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Report of the commiſſion given by his Majeſty [*King William*] *for inquiring into the ſlaughter of the men of Glenco; ſubſcribed, at Holyroodhouſe, the 20th day of June* 1693. [XX. 131.]

From Carſtares's State-papers. [151.]

JOhn Marquis of Tweeddale, Lord High Chancellor of Scotland; William Earl of Annandale; John Lord Murray; Sir James Stewart, his Majeſty's Advocate; Adam Cockburn of Ormiſtone, Lord Juſtice-Clerk; Sir Archibald Hope of Rankeillor, and Sir William Hamilton of Whitlaw, two of the Senators of the College of Juſtice; Sir James Ogilvie, his Majeſty's Solicitor; and Adam Drummond of Meggins, Commiſſioners appointed by his Majeſty, by his commiſſion under the great ſeal, of the date the 29th of April laſt paſt, to make inquiry, and to take trial and precognition, about the ſlaughter of ſeveral perſons of the ſirname of *Macdonald*, and others, in Glenco, in the year 1692; by whom, and in what manner, and by what pretended authority the ſame was committed; with power to call for all warrants and directions given in that matter; as alſo to examine all perſons who had a hand therein, with what witneſſes they ſhould find neceſſary; either upon oath or declaration; and to report to his Majeſty the true ſtate of the ſaid matter, with the evidence and teſtimonies to be adduced before them, — having met, and qualified themſelves by taking the oath of allegiance and aſſurance, con-

form to the act of parliament, with the oath *de fideli*, as uſe is in ſuch caſes, did, according to the power given to them, chuſe Mr Alexander Monro of Bierecroft to be their clerk; and he having alſo qualified himſelf as above, they proceeded into the ſaid inquiry, to call for all warrants and directions, with all ſuch perſons as witneſſes that might give light in the ſaid matter: And having conſidered the foreſaid warrants and directions produced before them, and taken the oaths and depoſitions of the witneſſes undernamed, they, with all ſubmiſſion, lay the report of the whole diſcovery made by them before his Majeſty, in the order following.

And, *1ſt*, Of ſome things that preceded the ſlaughter. *2dly*, Of the matters of fact, with the proofs and evidence taken, when, and in what manner, the ſame was committed. *3dly*, Of the warrants and directions that either really were, or were pretended, for the committing it. And, *laſtly*, The Commiſſioners humble opinion of the true ſtate and account of that whole buſineſs.

The things to be remarked preceding the ſlaughter were, That it is certain that the Lairds of Glenco and Auchintraitten, and their followers, were in the inſurrection and rebellion made by ſome of the Highland Clans, under the command, firſt, of the Viſcount of Dundee, and then of Maj.-Gen. Buchan, in the years 1689 and 1690. This is acknowledged by all. But when the Earl of Breadalbane called the heads of the Clans, and met with them in Auchallader, in July 1691, in order to a ceſſation, the deceaſed Alexander Macdonald of Glenco was there, with Glengary, Sir John Maclean, and others, and agreed to the ceſſation; as it is alſo acknowledged. But the deceaſed Glenco's two ſons, who were at that time with their father in the town of Auchallader, depone, That they heard that the Earl of Breadalbane did at that time quarrel with the deceaſed Glenco, about ſome cows that the Earl alledged were ſtolen from his men by Glenco's men; and that, though they were not preſent to hear the words, yet their father told them of the challenge: and the two ſons, with Ronald Macdonald indweller in Glenco, and Ronald Macdonald in Innerriggin in Glenco, do all depone, That they heard the deceaſed Glenco ſay, that the Earl of Breadalbane, at the meeting of Auchallader, threatened to do him a miſchief; and that he feared a miſchief from no man ſo much as from the Earl of Breadalbane. -- And Alexander Macdonald, ſecond ſon to the deceaſed Glenco, doth further depone, That he hath often heard from his father and others, that there had been in former times blood betwixt Breadalbane's family and their Clan.

And here the Commiſſioners cannot but take notice of what hath occurred to them, in two letters from Secretary Stair to Lt-Col. Hamilton; one of the 1ſt, and another of the 3d of December, 1691; wherein he expreſſes his reſentment, from the marring of the bargain that ſhould have been betwixt the Earl of Breadalbane and the Highlanders, to a very great height; charging ſome for their deſpite againſt him, as if it had been the only hindrance of that ſettlement: whence he goes on, in his of the 3d of December, to ſay, That ſince the government cannot oblige them, it is obliged to ruin ſome of them, to weaken and frighten the reſt; and that the Macdonalds will fall in the net; and, in effect, ſeems even from that time, which was almoſt a month before the expiring of the King's indemnity, to project with Lt-Col. Hamilton, that ſome of them ſhould be rooted out and deſtroyed. His Majeſty's proclamation of indemnity was publiſhed in Auguſt 1691, offering a free indemnity and pardon to all the Highlanders who had been in arms, upon their coming in, and taking the oath of allegiance, betwixt that and the firſt of January thereafter: And, in compliance with the proclamation, the deceaſed Glenco goes, about the end of December 1691, to Col. Hill, Governor of Fort-William at Inverlochy, and deſired the Colonel to miniſter to him the oath of allegiance, that he might have the King's indemnity; but Col. Hill, in his depoſition, doth further depone, That he haſtened him away all that he could, and gave him a letter to Ardkinglaſs to receive him as a loſt ſheep: and the Colonel produces Ardkinglaſs's anſwer to that letter, dated the 9th January 1691, bearing, That he had endeavoured to receive the great loſt ſheep Glenco, and that Glenco had undertaken to bring in all his friends and followers, as the privy council ſhould order: And Ardkinglaſs further writes, That he was ſending to Edinburgh, that Glenco, though he had miſtaken in coming to Col. Hill to take

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the oath of allegiance, might yet be welcome; and that thereafter the Colonel ſhould take care that Glenco's friends and followers may not ſuffer, till the King and council's pleaſure be known. And Glenco's two ſons above named do depone in the ſame manner, That their father went, about the end of December, to Col. Hill, to take the oath of allegiance; but finding his miſtake, and getting the Colonel's letter to Ardkinglaſs, he haſtened to Inverary, as ſoon as he could for the bad way and weather, and did not ſo much as go to his own houſe in his way to Inverary, though he paſſed within half a mile of it: And John Macdonald, the eldeſt ſon, depones further, That his father was taken in the way by Capt. Drummond at Barcalden, and detained twenty-four hours.

Sir Colin Campbell of Ardkinglaſs, ſheriff-depute of Argyleſhire, depones, That the deceaſed Glenco came to Inverary about the beginning of January 1692, with a letter from Col. Hill to the effect above mentioned; and was three days there before Ardkinglaſs could get thither, becauſe of bad weather; and that Glenco ſaid to him, that he had not come ſooner becauſe he was hindered by the ſtorm. And Ardkinglaſs further depones, That, when he declined to give the oath of allegiance to Glenco, becauſe the laſt of December, the time appointed for the taking of it, was paſt, Glenco begged with tears, that he might be admitted to take it; and promiſed to bring in all his people, within a ſhort time, to do the like; and if any of them refuſed, they ſhould be impriſoned, or ſent to Flanders: upon which, Ardkinglaſs ſays, he did adminiſter to him the oath of allegiance, upon the 6th of January 1692, and ſent a certificate thereof to Edinburgh, with Col. Hill's letter, to Colin Campbell ſheriff-clerk of Argyle, who was then at Edinburgh; and further wrote to the ſaid Colin, that he ſhould write back to him, whether Glenco's taking the oath was allowed by the council or not. And the ſaid Colin, ſheriff-clerk, depones, That the foreſaid letters and the certificate relating to Glenco, with ſome other certificates relating to ſome other perſons, all upon one paper, were ſent in to him to Edinburgh by Ardkinglaſs; which paper being produced upon oath by Sir Gilbert Elliot, clerk of the ſecret council, but rolled and ſcored as to Glenco's part, and his taking the oath of allegiance; yet the Commiſſioners found, that it was not ſo delete or daſhed, but that it may be read, that Glenco did take the oath of allegiance at Inverary the 6th day of January 1692. And the ſaid Colin Campbell depones, That it came to his hand fairly written, and not daſhed; and that, with this certificate, he had the ſame letter from Ardkinglaſs, (with Col. Hill's above-mentioned letter to Ardkinglaſs incloſed), bearing, how earneſt Glenco was to take the oath of allegiance, and that he had taken it upon the 6th of January; but that Ardkinglaſs was doubtful if the council would receive it. And the ſheriff-clerk did produce before the Commiſſioners the foreſaid letter by Col. Hill to Ardkinglaſs, dated at Fort-William the 31ſt day of December 1691, and bearing, that Glenco had been with him, but ſlipped ſome days, out of ignorance; yet that it was good to bring in a loſt ſheep at any time, and would be an advantage to render the King's government eaſy. And with the ſaid ſheriff-clerk, the Lord Aberucchill, Mr John Campbell writer to the ſignet, and Sir Gilbert Elliot clerk to the council, do all declare, That Glenco's taking the oath of allegiance, with Ardkinglaſs's foreſaid certificate as to his part of it, did come to Edinburgh, and was ſeen by them, fairly written, and not ſcored or daſhed; but that Sir Gilbert, and the other clerks of the council, refuſed to take it in, becauſe done after the day appointed by the proclamation: whereupon the ſaid Colin Campbell, and Mr John Campbell, went, as they depone, to the Lord Aberucchill, then a privy councillor, and deſired him to take the advice of privy councillors about it: And accordingly they affirm, that Aberucchill ſaid, he had ſpoke to ſeveral privy councillors, and partly to the Lord Stair, and that it was their opinion, that the foreſaid certificate could not be received, without a warrant from the King; and that it would neither be ſafe to Ardkinglaſs, nor profitable to Glenco, to give in the certificate to the clerk of the council. And this the Lord Aberucchill confirms by his depoſition; but doth not name therein the Lord Stair. And Colin Campbell the ſheriff-clerk does further depone, That, with the knowledge of Lord Aberucchill, Mr John Campbell, and Mr David Monerieff clerk to the council, he did, by himſelf, or his ſervant, ſcore or delete the foreſaid certificate, as

now it ſtands ſcored, as to Glenco's taking the oath of allegiance; and that he gave it in ſo ſcored or obliterate to the ſaid Mr David Moncrieff clerk of the council, who took it in as it is now produced. But it doth not appear by all theſe depoſitions, that the matter was brought to the council-board, that the council's pleaſure might be known upon it, though it ſeems to have been intended by Ardkinglaſs, who both wrote himſelf, and ſent Col. Hill's letter for to make Glenco's excuſe; and deſired expreſsly to know the council's pleaſure.

After that Glenco had taken the oath of allegiance, as is ſaid, he went home to his own houſe; and, as his own two ſons above named depone, he not only lived there for ſome days, quietly and ſecurely, but called his people together, and told them he had taken the oath of allegiance, and made his peace: and therefore deſired and engaged them to live peaceably under King William's government.

Theſe things having preceded the ſlaughter, which happened not to be committed until the 13th of February 1692, ſix weeks after the deceaſed Glenco had taken the oath of allegiance at Inverary; the ſlaughter of the Glencomen was in this manner, viz. John and Alexander Macdonalds, ſons to the deceaſed Glenco, depone, That Glengary's houſe being reduced, the forces were called back to the ſouth; and Glenlyon, a captain of the Earl of Argyle's regiment, with Lieut. Lindſay and Enſ. Lindſay, and ſix ſcore ſoldiers, returned to Glenco about the 1ſt of February 1692; where, at their entry, the elder brother John met them, with about twenty men, and demanded the reaſon of their coming; and Lieut. Lindſay ſhewed him his orders for quartering there, under Col. Hill's hand; and gave aſſurance, that they were only come to quarter: whereupon they were billeted in the country, and had free quarters and kind entertainment, living familiarly with the people, until the 13th of February. And Alexander further depones, That Glenlyon, being his wife's uncle, came almoſt every day, and took his morning-drink at his houſe; and that the very night before the ſlaughter, Glenlyon did play at cards in his own quarters with both the brothers. And John depones, That old Glenco his father had invited Glenlyon, Lieut. Lindſay, and Enſ. Lindſay, to dine with him, upon the very day the ſlaughter happened: But, on the 13th day of February, being Saturday, about four or five in the morning, Lieut. Lindſay, with a party of the foreſaid ſoldiers, came to old Glenco's houſe; where having called in a friendly manner, and got in, they ſhot his father dead, with ſeveral ſhots, as he was riſing out of his bed; and the mother having got up, and put on her cloaths, the ſoldiers ſtripped her naked, and drew the rings off her fingers with their teeth; as likewiſe they killed one man more, and wounded another grievouſly at the ſame place: And this relation they ſay they had from their mother; and is confirmed by the depoſition of Archibald Macdonald indweller in Glenco; who further depones, That Glenco was ſhot behind his back with two ſhots, one through the head, and another through the body; and two more were killed with him in that place, and a third wounded, and left for dead: And this he knows, becauſe he came that ſame day to Glenco's houſe, and ſaw his dead body lying before the door, with the other two that were killed; and ſpoke with the third that was wounded, whoſe name was *Duncan Don*, who came there occaſionally with letters from the Brae of Mar. The ſaid John Macdonald, eldeſt ſon to the deceaſed Glenco, depones, The ſame morning that his father was killed, there came ſoldiers to his houſe before day, and called at his window, which gave him the alarm, and made him go to Innerriggen, where Glenlyon was quartered; and that he found Glenlyon and his men preparing their arms, which made the deponent aſk the cauſe; but Glenlyon gave him only good words, and ſaid, they were to march againſt ſome of Glengary's men; and if there were ill intended, would not he have told Sandy and his niece? meaning the deponent's brother and his wife; which made the deponent go home, and go again to his bed; until his ſervant, who hindered him to ſleep, raiſed him; and when he roſe, and went out, he perceived about twenty men coming towards his houſe, with their bayonets fixed to their muſkets; whereupon he fled to the hill; and having Auchnaion, a little village of Glenco, in view, he heard the ſhots, wherewith Auchintraiten and four more were killed; and that he heard alſo the ſhots at Innerriggen, where Glenlyon had cauſed to kill nine more,

more, as ſhall be hereafter declared. And this is confirmed by the concurring depoſition of Alexander Macdonald, his brother, whom a ſervant waked out of ſleep, ſaying, It is no time for you to be ſleeping when they are killing your brother at the door; which made Alexander to flee, with his brother, to the hill, where both of them heard the foreſaid ſhots at Auchnaion and Innerriggen. And the ſaid John, Alexander, and Archibald Macdonald, do all depone, That the ſame morning there was one Serjeant Barber laid hold on Auchentraiten's brother, one of the four, and aſked him if he were alive: he anſwered, that he was; and that he deſired to die without, rather than within. Barber ſaid, That, for his meat that he had eaten, he would do him the favour to kill him without. But when the man was brought out, and ſoldiers brought up to ſhoot him, he having his plaid looſe, flung it over their faces, and ſo eſcaped; and the other three broke through the back of the houſe, and eſcaped: And this account the deponents had from the men that eſcaped. And at Innerriggen, where Glenlyon was quartered, the ſoldiers took other nine men, and did bind them hand and foot, and killed them one by one with ſhot: And when Glenlyon inclined to ſave a young man of about twenty years of age, one Capt. Drummond came, and aſked how came he to be ſaved, in reſpect of the orders that were given? and ſhot him dead: and another young boy, of about thirteen years, ran to Glenlyon to be ſaved; he was likewiſe ſhot dead: and in the ſame town there was a woman, and a boy about four or five years of age, killed: and at Auchnaion there was alſo a child miſſed, and nothing found of him but the hand. There were likewiſe ſeveral killed at other places, whereof one was an old man about eighty years of age. And all this the deponents ſay they affirm, becauſe they heard the ſhot, ſaw the dead bodies, and had an account from the women that were left. And Ronald Macdonald, indweller in Glenco, further depones, That he being living with his father in a little town of Glenco, ſome of Glenlyon's ſoldiers came to his father's houſe, the ſaid 13th of February, in the morning, and dragged his father out of his bed, and knocked him down for dead, at the door; which the deponent ſeeing, made his eſcape; and his father recovering, after the ſoldiers were gone, got into another houſe; but this houſe was ſhortly burnt, and his father burnt in it; and the deponent came thereafter, and gathered his father's bones, and burnt them. He alſo declares, that at Auchnaion, where Auchintraiten was killed, he ſaw the body of Auchintraiten and three more, caſt out, and covered with dung. And another witneſs of the ſame declares, That, upon the ſame 13th of February, Glenlyon, and Lieut. Lindſay, and their ſoldiers, did, in the morning before day, fall upon the people of Glenco, when they were ſecure in their beds, and killed them; and he being at Innerriggen, fled with the firſt, but heard ſhots; and had two brothers killed there, with three men more, and a woman; who were all buried before he came back. And all theſe five witneſſes concur, That the foreſaid ſlaughter was made by Glenlyon and his ſoldiers, after they had been quartered, and lived peaceably and friendly with the men of Glenco, about thirteen days; and that the number of thoſe whom they knew to be ſlain were about twenty-five: and that the ſoldiers, after the ſlaughter, did burn the houſes, barns, and goods; and carried away a great ſpoil of horſe, nolt, and ſheep, above a thouſand. And James Campbell ſoldier in the caſtle of Stirling depones, That, in January 1692, he being then a ſoldier in Glenlyon's company, marched with the company from Inverlochy to Glenco, where the company was quartered, and very kindly entertained, for the ſpace of fourteen days: That he knew nothing of the deſign of killing the Glenco-men till the morning that the ſlaughter was committed; at which time Glenlyon's and Capt. Drummond's companies were drawn out in ſeveral parties, and got orders from Glenlyon, and their other officers, to ſhoot and kill all the country-men they met with; and that the deponent, being one of the party which was at the town where Glenlyon had his quarters, did ſee ſeveral men drawn out of their beds; and particularly he did ſee Glenlyon's own landlord ſhot by his order, and a young boy of about twelve years of age, who endeavoured to ſave himſelf by taking hold of Glenlyon, offering to go any where with him, if he would ſpare his life; and was ſhot dead by Capt. Drummond's order; And the deponent did

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ſee about eight perſons killed, and ſeveral houſes burnt, and women flying to the hills to ſave their lives. And, laſtly, Sir Colin Campbell of Aberucchill depones, That after the ſlaughter, Glenlyon told him, that Macdonald of Innerriggen was killed, with the reſt of the Glence-men, with Col. Hill's paſs or protection in his pocket, which a ſoldier brought, and ſhewed to Glenlyon.—— The teſtimonies above ſet down, being more than ſufficient to prove a deed ſo notoriouſly known, it is only to be remarked, that more witneſſes of the actors themſelves might have been found, if Glenlyon and his ſoldiers were not at preſent in Flanders with Argyle's regiment. And it is further added, That Lt-Col. Hamilton, who ſeems, by the orders and letters that ſhall be hereafter ſet down, to have had the particular charge of this execution, did march, the night before the ſlaughter, with about 400 men; but the weather falling to be very bad and ſevere, they were forced to ſtay by the way, and did not get to Glenco againſt the next morning, as had been concerted betwixt Major Duncanſon and Lt-Col. Hamilton: ſo that the meaſures being broke, Lt-Col. Hamilton and his men came not to Glenco till about eleven of the clock, after the ſlaughter had been committed; which proved the preſervation and ſafety of the tribe of Glenco; ſince by this means the far greater part of them eſcaped. And then the Lieutenant-Colonel being come to Canneloch-Leven, appointed ſeveral parties for ſeveral poſts, with orders that they ſhould take no priſoners, but kill all the men that came in their way. Thereafter ſome of the Lieutenant-Colonel's men marched forward in the glen, and met with Major Duncanſon's party, whereof a part under Glenlyon had been ſent by Lt-Col. Hamilton to quarter there, ſome days before; and theſe men told how they had killed Glenco, and about thirty-ſix of his men, that morning; and that there remained nothing to be done by the Lieutenant-Colonel and his men, ſave that they burnt ſome houſes, and killed an old man, by the Lieutenant-Colonel's orders, and brought away the ſpoil of the country. And this in its ſeveral parts is teſtified by John Forbes, Major in Col. Hill's regiment, Francis Farquhar and Gilbert Kennedy, both Lieutenants in that regiment, who were all of the Lieutenant-Colonel's party. It may alſo be here noticed, That, ſome days after the ſlaughter of the Glenco-men was over, there came a perſon from Campbell of Barcalden, chamberlain (i. e. ſteward) to the Earl of Breadalbane, to the deceaſed Glenco's ſons, and offered to them, if they would declare under their hands, that the Earl of Breadalbane was free and clear of the foreſaid ſlaughter, they might be aſſured of the Earl's kindneſs for procuring their remiſſion and reſtitution; as was plainly deponed before the Commiſſioners.

It remains now to give an account of the warrants, either given, or pretended to be given, for the committing of the foreſaid ſlaughter. For clearing whereof, it is to be noticed, That the King having been pleaſed to offer, by proclamation, an indemnity to all the Highland rebels, who ſhould come in and accept thereof, by taking the oaths of allegiance, betwixt and the firſt of January 1692; after the day was elapſed, it was very proper to give inſtructions how ſuch of the rebels as had refuſed his Majeſty's grace ſhould be treated; and therefore his Majeſty, by his inſtructions of the date the 11th of January 1692, directed to Sir Thomas Livingſton, and ſuperſigned and counterſigned by himſelf, did, indeed, order and authoriſe Sir Thomas, to march the troops againſt the rebels who had not taken the benefit of the indemnity, and to deſtroy them by fire and ſword; (which is the actual ſtyle of our commiſſions againſt intercommuned rebels); but with this expreſs mitigation in the 4th article, viz. "That the rebels may not think themſelves deſperate, we allow you to give terms and quarters; but in this manner only, That chieftains and heritors, or leaders, be priſoners of war, their lives only ſafe, and all other things in mercy; they taking the oaths of allegiance, and rendering their arms, and ſubmitting to the government, are to have quarters and indemnity for their lives and fortunes, and to be protected from the ſoldiers;" as the principal paper of inſtructions, produced by Sir Thomas Livingſton, bears. After theſe inſtructions, there were additional ones given by his Majeſty to Sir Thomas Livingſton, upon the 16th of the ſaid month of January, ſuperſigned and counterſigned by his Majeſty, and the date marked by Secretary Stair's hand; which bear orders for giving of paſſes, and for receiving the

the ſubmiſſion of certain of the rebels: wherein all to be noticed to the preſent purpoſe is, That therein his Majeſty doth judge it much better, that thoſe who took not the benefit of the indemnity in due time, ſhould be obliged to render upon mercy, they ſtill taking the oaths of allegiance; and then it is added, "If Mackean of Glenco, and that tribe, can be well ſeparated from the reſt, it will be a proper vindication of the public juſtice to extirpate that ſet of thieves." And of theſe additional inſtructions a principal duplicate was ſent to Sir Thomas Livingſton, and another to Col. Hill, and were both produced. And theſe were all the inſtructions given by the King in this matter. But Secretary Stair, who ſent down theſe inſtructions, as his letters produced, written with his hand, to Sir Thomas, of the ſame date with them, teſtify, by a previous letter of the date of the 7th of the ſaid month of January, written and ſubſcribed by him to Sir Thomas, ſays, "You know, in general, that theſe troops poſted at Inverneſs and Innerlochy will be ordered to take in the houſe of Invergarie, and to deſtroy entirely the country of Lochaber, Lochiel's lands, Keppoch's, Glengary's, and Glenco;" and then adds, "I aſſure you, your power ſhall be full enough; and I hope the ſoldiers will not trouble the government with priſoners." And, by another letter, of the 9th of the ſaid month of January, which is likewiſe before the inſtructions, and written to Sir Thomas, as the former, he hath this expreſſion, "That theſe who remain of the rebels are not able to oppoſe, and their chieftains being all Papiſts, it is well the vengeance falls there. For my part, I could have wiſhed the Macdonalds had not divided; and I am ſorry that Keppoch and Mackean of Glenco are ſafe." And then afterwards, "We have an account, that Lochiel, Macnaughton, Appin, and Glenco, took the benefit of the indemnity, at Inverary, and Keppoch and others at Inverneſs." But this letter of the 11th of January, ſent with the firſt inſtructions to Sir Thomas, hath this expreſſion: "I have no great kindneſs to Keppoch nor Glenco; and it is well that people are in mercy." And then, "Juſt now my Lord Argyle tells me, that Glenco hath not taken the oath: At which I rejoice. It is a great work of charity to be exact in rooting out that damnable ſet; the worſt of the Highlands." But in his letter of the 16th of January, of the ſame date with the additional inſtructions, though he writes in the firſt part of the letter, "The King does not at all incline to receive any after the diet, but on mercy;" yet he thereafter adds, "But, for a juſt example of vengeance, I intreat the thieving tribe of Glenco may be rooted out to purpoſe." And to confirm this, by his letter of the ſame date, ſent with the other principal duplicate and additional inſtructions to Col. Hill, after having written, that ſuch as render on mercy may be ſaved, he adds, "I ſhall intreat you, that, for a juſt vengeance, and public example, the tribe of Glenco may be rooted out to purpoſe. The Earls of Argyle and Breadalbane have promiſed, that they ſhall have no retreat in their bounds; the paſſes to Rannach would be ſecured; and the hazard certified to the Laird of Weem to reſet them: In that caſe, Argyle's detachment, with a party that may be poſted in Iſland Stalker, muſt cut them off; and the people of Appin are none of the beſt." This laſt letter, with the inſtructions for Col. Hill, was received by Major Forbes, in his name, at Edinburgh; and the Major depones, That, by the allowance he had from the Colonel, he did unſeal the packet, and found therein the letter and inſtructions, as above, which he ſent forward to Col. Hill; and that, in the beginning of February 1692, being in his way to Fort-William, he met ſome companies of Argyle's regiment at Belliſhiells, and was ſurpriſed to underſtand that they were going to quarter in Glenco; but ſaid nothing till he came to Fort-William, where Col. Hill told him, that Lt-Col. Hamilton had got orders about the affair of Glenco; and that therefore the Colonel had left it to Lt-Col. Hamilton's management, who, he apprehends, had concerted the matter with Major Duncanſon. And Col. Hill depones, That he underſtood that Lt-Col. Hamilton and Major Duncanſon got the orders about the Glenco-men which were ſent to Lt-Col. Hamilton: That, for himſelf, he liked not the buſineſs, but was very grieved at it: That the King's inſtructions of the 16th of January 1692, with the Maſter of Stair's letter of the ſame date, were brought to him by Major Forbes, who had received them, and unſealed the packet at Edinburgh. Yet the execution and ſlaughter of the Glenco-men did not immediately take effect. And thereafter,

ter, on the 30th of the ſaid month of January, the Maſter of Stair doth again write two letters; one to Sir Thomas Livingſton, which bears, "I am glad that Glenco did not come in within the time prefixed. I hope what is done there may be in earneſt, ſince the reſt are not in a condition to draw together to help: I think to harry (that is, to drive) their cattle, and burn their houſes, is but to render them deſperate lawleſs men to rob their neighbours; but I believe you will be ſatisfied it were a great advantage to the nation that thieving tribe were rooted out, and cut off. It muſt be quietly done, otherwiſe they will make ſhift for both their men and their cattle. Argyle's detachment lies in Letrickwell, to aſſiſt the garriſon to do all of a ſudden;" and the other to Col. Hill, which bears, "Pray, when the thing concerning Glenco is reſolved, let it be ſecret and ſudden, otherwiſe the men will ſhift you; and better not meddle with them than not to do it to purpoſe, to cut off that neſt of robbers who have fallen in the mercy of the law, now when there is force and opportunity, whereby the King's juſtice will be as conſpicuous and uſeful as his clemency to others. I apprehend the ſtorm is ſo great, that, for ſome time, you can do little; but, ſo ſoon as poſſible, I know you will be at work; for theſe falſe people will do nothing but as they ſee you in a condition to do with them." Sir Thomas Livingſton having got the King's inſtructions, with Secretary Stair's letter of the 16th of January; and knowing, by a letter he had from the Maſter of Stair, of the date the 7th of January 1692, that Lt-Col. Hamilton was to be the man employed in the execution of the Glenco-men; in purſuance of the Secretary's letter, he writes to Lt-Col. Hamilton, upon the 23d of the ſaid month of January, telling him, "That it was judged good news that Glenco had not taken the oath of allegiance within the time prefixed, and that Secretary Stair, in his laſt letter, had made mention of him;" and then adds, "For, Sir, here is a fair occaſion for you to ſhow that your garriſon ſerves for ſome uſe; and ſeeing that the orders are ſo poſitive from court to me, not to ſpare any of them that have not timely come in, as you may ſee of the orders I ſend to your Captain, I deſire you will begin with Glenco, and do nothing which be[illegible] trouble the go[illegible] as this letter, produced by Lt-Col. Hamilton, bears. And Sir Thomas being heard upon this letter, declared, That at that time he was immediately returned from his journey to London, and that he knew nothing of any ſoldiers being quartered in Glenco, and only meant that he ſhould be proſecuted as a rebel ſtanding out, by fair hoſtility; and in this ſenſe he made uſe of the ſame words and orders written to him by Secretary Stair. Thereafter, Col. Hill gives his orders, to be directed to Lt-Col. Hamilton, in theſe terms: "Sir, You are, with 400 of my regiment, and the 400 of my Lord Argyle's regiment, under the command of Major Duncanſon, to march ſtraight to Glenco, and there put in due execution the orders you have received from the commander in chief. Given under my hand, at Fort-William, the 12th day of February 1692." And this order is alſo produced by Lt-Col. Hamilton. Then, the ſame day, Lt-Col. Hamilton wrote to Major Duncanſon in theſe terms: "Sir, Purſuant to the commander in chief and my Colonel's orders to me, for putting in execution the ſervice againſt the rebels of Glenco, wherein you, with a party of Argyle's regiment, now under your command, are to be concerned; you are therefore to order your affairs ſo, that you be at the ſeveral poſts aſſigned you, by ſeven of the clock to-morrow morning, being Saturday, and fall in action with them; at which time I will endeavour to be with the party from this place at the poſt appointed them. It will be neceſſary that the avenues minded by Lieut. Campbell on the ſouth ſide be ſecured, that the old fox, nor none of his cubs, get away. The orders are, That none be ſpared, nor the government troubled with priſoners." And the copy of this laſt order is produced under Lt-Col. Hamilton's own hand. And accordingly the ſlaughter of Glenco and his poor people did enſue the next morning, being the 13th of February 1692, in the manner narrated.

And, upon, &c. [*To be continued.*]

Anecdote of Lady Bridget T——e.

MR T—— being a ſea-officer, her Ladyſhip ſolicited Lord S—— for promotion. His Lordſhip anſwered, "That it was not in his power to advance Mr T——, unleſs he was employed." — "O, (replied Lady Bridget) I have no objection to his departure: — and I aſſure he has none, My Lord; for Fame is his miſtreſs, and you know I am only his wife."

Lord

Lord Cheſterfield to his ſon. [115.]

LETTER IV.

My dear little Boy, *Bath.*

THE means of pleaſing vary according to time, place, and perſon; but the general rule is the trite one, Endeavour to pleaſe, and you will infallibly pleaſe to a certain degree; conſtantly ſhow a deſire to pleaſe, and you will engage people's ſelf-love in your intereſt; a moſt powerful advocate. This, as indeed almoſt every thing elſe, depends on attention, or more properly *les attentions:* be therefore minutely attentive to the circumſtances of time, place, and perſon; or you may happen to offend where you intend to pleaſe; for people, in what touches themſelves, make no allowances for ſlips or inadvertencies.

To be *diſtrait* in company is unpardonable, and implies a contempt for it, and is not leſs ridiculous than offenſive. There is little difference between a dead man, and a *diſtrait*; what difference there is, is entirely to the advantage of the former, whoſe inſenſibility every body ſees is not voluntary. Some people, moſt abſurdly, affect diſtraction, as thinking that it implies deep thought and ſuperior wiſdom: but they are greatly miſtaken; for every body knows, that, if natural, it is a great weakneſs of the mind, and an egregious folly affected. A wiſe man, inſtead of not uſing the ſenſes which he has, would wiſh them all to be multiplied, in order to ſee and hear, at once, whatever is ſaid or done in company.

Be you then attentive to the moſt trifling thing that paſſes where you are; have, as the vulgar phraſe is, your eyes and your ears always about you. It is a very fooliſh thought, a very common ſaying, "I really did not mind it," or "I was thinking of quite another thing at that time." The proper anſwer to ſuch ingenious excuſes, and which admits of no reply, is, "Why did you not mind it? you was preſent when it was ſaid or done." Oh! but, you may ſay, you was thinking of quite another thing: If ſo, why was you not in quite another place, proper for that important other thing which you ſay you was thinking of? But, you will ſay, perhaps, that the company was ſo ſilly that it did not deſerve your attention: That, I am ſure, is the ſaying of a ſilly man; for a man of ſenſe knows that there is no company ſo ſilly, that ſome uſe may not be made of by attention.

You ſhould have (and it is to be had if you pleaſe) a verſability in attention, which you may inſtantaneouſly apply to different objects and perſons as they occur. Remember, that, without theſe *attentions*, you will never be fit to live in good company, nor indeed any company at all; and the beſt thing you can do will be to turn *Chartreux*. When you preſent yourſelf, or are preſented, for the firſt time in company, ſtudy to make the firſt impreſſion you give of yourſelf as advantageous as poſſible. This you can only do at firſt, by what ſolid people commonly call trifles, which are *air*, *dreſs*, and *addreſs*. Here invoke the aſſiſtance of the Graces. Even that ſilly article of dreſs is no trifle upon theſe occaſions.

Never be the firſt nor the laſt in the faſhion. Wear as fine cloaths as men of your rank commonly do, and rather better than worſe; and when you are well dreſſed once a day, do not ſeem to know that you have any cloaths on at all, but let your motions be as eaſy as they could be in your nightgown. A fop values himſelf upon his dreſs; but a man of ſenſe will not neglect it in his youth at leaſt. The greateſt fop I ever ſaw, was at the ſame time the greateſt ſloven; for it is an affected ſingularity of dreſs, be it of what ſort it will, that conſtitutes a fop; and every body will prefer an overdreſſed fop to a ſlovenly one. Let your addreſs, when you firſt come into company, be modeſt, but without the leaſt baſhfulneſs or ſheepiſhneſs; ſteady, without impudence; and unimbarraſſed, as if you were in your own room. This is a difficult point to hit, and therefore deſerves great attention; nothing but a long uſage in the world, and in the beſt company, can poſſibly give it.

A young man without knowledge of the world, when he firſt goes into a faſhionable company, where moſt are his ſuperiors, is commonly either annihilated by *mauvaiſe honte*, or, if he rouſes and laſhes himſelf up to what he only thinks a modeſt aſſurance, he runs into impudence and abſurdity, and conſequently offends, inſtead of pleaſing. Have always, as much as you can, that *air de douceur*, which never fails to make favourable impreſſions, provided it be equally free from an inſipid ſmile, or a pert ſmirk.

LETTER V.

My dear little Boy, *Bath.*

CAREFULLY avoid an argumentative and difputative turn, which too many people have, and fome even value themfelves upon, in company; and when your opinion differs from others, maintain it only with modefty, calmnefs, and gentlenefs; but never be eager, loud, or clamorous; and when you find your antagonift beginning to grow warm, put an end to the difpute by fome genteel *badinage*. For, take it for granted, if the two beft friends in the world difpute with eagernefs upon the moft trifling fubject imaginable, they will, for the time, find a momentary alienation from each other. Difputes upon any fubject are a fort of trial of the underftanding, and muft end in the mortification of one or other of the difputants. On the other hand, I am far from meaning that you fhould give an univerfal aflent to all that you hear faid in company; fuch an aflent would be mean, and in fome cafes criminal; but blame with indulgence, and correct with *douceur*.

It is impoffible for a man of fenfe not to have a contempt for fools, and for a man of honour not to have an abhorrence of knaves; but you muft gain upon yourfelf, fo as not to difcover either in their full extent. They are, I fear, too great a majority to contend with; and their number makes them formidable, though not refpectable. They commonly hang together, for the mutual ufe they make of each other. Shew them a referved civility, and let them not exift with regard to you. Do not play off the fool, as is too commonly done by would-be wits, nor fhock the knave unneceffarily, but have as little as poffible to do with either; and remember always, that whoever contracts a friendfhip with a knave or a fool, has fomething bad to do or to conceal. A young man, efpecially at his firft entering into the world, is generally judged of by the company he keeps; and it is a very fair way of judging: and tho' you will not, at firft, be able to make your way, perhaps, into the beft company, it is always in your power to avoid bad. It may be that you will afk me, how I define *good* and *bad* company? and I will do it as well as I can; for it is of the greateft importance to know the difference.

Good company conffits of a number of people of a certain faffhion, (I do not mean birth), of whom the majority are reckoned to be people of fenfe, and of decent characters; in fhort, of thofe who are allowed univerfally to be, and are called good company. It is poffible, nay probable, that a fool or two may fneak, or a knave or two intrude, into fuch company; the former, in hopes of getting the reputation of a little common fenfe, and the latter, that of fome common honefty. But, *ubi plura nitent*, like Horace, you muft not be offended *paucis maculis*.

Bad company is, whatever is not generally allowed to be good company: but there are feveral gradations in this as in the other, and it will be impoffible for you, in the common courfe of life, not to fall fometimes into bad company; but get out of it as foon, and as well, as you can. There are fome companies fo blafted and fcandalous, that to have been with them twice, would hurt your character both as to virtue and parts; fuch is the company of bullies, fharpers, jockies, and low debauchees, either in wine or women, not to mention fools. On the other hand, do not, while young, declaim and preach againft them like a Capuchin: you are not called upon to be a repairer of wrongs, or a reformer of manners: let your own be pure, and leave others to the contempt or indignation they deferve.

There is a third fort of company, which, without being fcandalous, is vilifying and degrading; I mean, what is called *low* company, which young men of birth and faffhion, at their firft appearance in the world, are too apt to like, from a degree of bafhfulnefs, *mauvaife honte*, and lazinefs, which is not eafily rubbed off. If you fink into this fort of company but for one year, you will never emerge from it, but remain as obfcure and inffignificant as they are themfelves. Vanity is alfo a great inducement to keep low company; for a man of quality is fure to be the firft man in it, and to be admired and flattered, though, perhaps, the greateft fool in it. Do not think I mean, by low company, people of no birth; for birth goes for nothing with me, nor, I hope, with you; but I mean, by low company, obfcure, inffignificant people, unknown, and unfeen in the polite part of the world, and diftinguifhed by no one particular merit or talent, unlefs, perhaps, by foaking and fitting out their evenings; for drinking

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is generally the dull and indecent occupation of ſuch company.

There is another ſort of company which I wiſh you to avoid in general, though, now and then, (but ſeldom), there may be no harm in ſeeing it; I mean the company of wags, witlings, buffoons, mimics, and merry fellows, who are all of them commonly the dulleſt fellows in the world with the ſtrongeſt animal ſpirits. If from mere curioſity you go into ſuch company, do not wear in it a ſevere, philoſophical face of contempt of their illiberal mirth, but content yourſelf with acting a very inferior part in it; contract no familiarity with any of the performers, which would give them claims upon you that you could not with decency either ſatisfy or reject; call none of them by their Chriſtian names, as *Jack*, *Frank*, &c. but uſe rather a more ceremonious civility with them than with your equals; for nothing keeps forward and petulant puppies at a proper diſtance ſo effectually as a little ceremony.

LETTER VI.

My dear little Boy, *Bath.*

BAD company is much more eaſily defined than good: what is bad, muſt ſtrike every body at firſt ſight; folly, knavery, and profligacy, can never be miſtaken for wit, honour, and decency. Bad company have * * * but in good, there are ſeveral gradations from good to the beſt; merely good, is rather free from objections than deſerving of praiſe. Aim at the beſt. But what is the beſt? I take it to be thoſe ſocieties of men or women, or a mixture of both, where great politeneſs, good breeding, and decency, though, perhaps, not always virtue, prevail.

Women of faſhion and character, I do not mean abſolutely unblemiſhed, are a neceſſary ingredient in the compoſition of good company: the *attention* which they require, and which is always paid them by well-bred men, keeps up politeneſs, and gives a habit of good breeding; whereas men, when they live together without the lenitive of women in company, are apt to grow careleſs, negligent, and rough, among one another. In company, every woman is every man's ſuperior, and muſt be addreſſed with reſpect, nay more, with flattery, and you need not fear making it too ſtrong. Such flattery is not mean on your part, nor pernicious to them; for it can never give them a greater opinion of their beauty or their ſenſe than they had before: therefore make the doſe ſtrong; it will be greedily ſwallowed.

Women ſtamp the character, faſhionable or unfaſhionable, of all young men at their firſt appearance in the world. Bribe them with minute attentions, good-breeding, and flattery: I have often known their proclamation give a value and currency to baſe coin enough; and, conſequently, it will add a luſtre to the trueſt Sterling. Women, though otherwiſe called ſenſible, have all of them, more or leſs, weakneſs, ſingularities, whims, and humours, eſpecially vanity; ſtudy attentively all their failings, gratify them as far as you can, nay, flatter them, and ſacrifice your own little humours for them. Young men are too apt to ſhew a diſlike, not to ſay an averſion and contempt, for old and ugly women; which is both impolite and injudicious; for there is a reſpectful politeneſs due to the whole ſex. Beſides, the ugly and the old, having the leaſt to do themſelves, are jealous of being deſpiſed, and never forgive it; and I could ſuppoſe caſes, in which you would deſire their friendſhip, or at leaſt their neutrality. Let it be a rule with you, never to ſhew that contempt which very often you will have, and with reaſon, for a human creature; for it will never be forgiven. An injury is ſooner pardoned than an inſult.

LETTER VII.

My dear little Boy, *Bath.*

IF you have not command enough over yourſelf to conquer your humours, as I hope you will, and as I am ſure every rational creature may have, never go into company while the fit of ill-humour is upon you. Inſtead of company's diverting you in thoſe moments, you will diſpleaſe, and probably ſhock them; and you will part worſe friends than you met: but whenever you find in yourſelf a diſpoſition to ſullenneſs, contradiction, or teſtineſs, it will be in vain to ſeek for a cure abroad. Stay at home, let your humour ferment, and work itſelf off. Chearfulneſs and good-humour are of all qualifications the moſt amiable in company; for though they do not neceſſarily imply good-nature and good-breeding, they act them, at leaſt, very well,

and that is all that required in mixt company.

I have indeed known ſome very ill-natured people, who were very good-humoured in company; but I never knew any body generally ill-humoured in company, who was not eſſentially ill-natured. When there is no malevolence in the heart, there is always a chearfulneſs and eaſe in the countenance and manners. By good-humour and chearfulneſs, I am far from meaning noiſy mirth and loud peals of laughter, which are the diſtinguiſhing characteriſtics of the vulgar and of the ill-bred, whoſe mirth is a kind of ſtorm. Obſerve it, the vulgar often laugh, but never ſmile; whereas well-bred people often ſmile, but ſeldom laugh. A witty thing never excited laughter: it pleaſes only the mind, and never diſtorts the countenance: A glaring abſurdity, a blunder, a ſilly accident, and thoſe things that are generally called comical, may excite a laugh, though never a loud nor a long one, among well-bred people.

Sudden paſſion is called ſhort-lived madneſs: it is a madneſs indeed; but the fits of it return ſo often in choleric people, that it may well be called a continual madneſs. Should you happen to be of this unfortunate diſpoſition, which God forbid, make it your conſtant ſtudy to ſubdue, or, at leaſt, to check it. When you find your choler riſing, reſolve neither to ſpeak to nor anſwer the perſon who excites it; but ſtay till you find it ſubſiding, and then ſpeak deliberately. I have known many people, who, by the rapidity of their ſpeech, have run away with themſelves into a paſſion. I will mention to you a trifling, and perhaps, you will think, a ridiculous receipt, towards checking the exceſs of paſſion, of which I think that I have experienced the utility myſelf. Do every thing in minuet-time; ſpeak, think, and move always in that meaſure, equally free from the dulneſs of ſlow or the hurry or huddle of quick time. This movement will moreover allow you ſome moments to think forwards, and the Graces to accompany what you ſay or do; for they are never repreſented as either running or dozing. Obſerve a man in a paſſion, ſee his eyes glaring, his face inflamed, his limbs trembling, and his tongue ſtammering and faultering with rage, and then aſk yourſelf calmly, whether upon any account you would be that human wild-beaſt. Such creatures are hated and dreaded in all companies where they are let looſe, as people do not chuſe to be expoſed to the diſagreeable neceſſity of either knocking down thoſe brutes, or being knocked down by them. Do you, on the contrary, endeavour to be cool and ſteady upon all occaſions. The advantages of ſuch a ſteady calmneſs are innumerable, and would be too tedious to relate. It may be acquired by care and reflection: if it could not, that reaſon which diſtinguiſhes men from brutes, would be given us to very little purpoſe. As a proof of this, I never ſaw, and ſcarcely ever heard of a Quaker in a paſſion. In truth, there is, in that ſect, a decorum, and decency, and an amiable ſimplicity, that I know in no other.

Having mentioned the Graces in this letter, I cannot end it, without recommending to you, moſt earneſtly, the advice of the wiſeſt of the ancients, to ſacrifice to them devoutly and daily. When they are propitious, they adorn every thing, and engage every body. But are they to be acquired? Yes, to a certain degree, by attention, and obſervation, and aſſiduous worſhip. Nature, I admit, muſt firſt have made you capable of adopting them; and then obſervation and imitation will make them, in time, your own.

There are graces of the mind, as well as of the body: the former give an engaging turn to the thoughts and the expreſſions; the latter to the motions, attitudes, and addreſs. No man perhaps ever poſſeſſed them all. He would be too happy that did. But if you will attentively obſerve thoſe graceful and engaging manners which pleaſe you moſt in other people, you may eaſily correct what will pleaſe others in you, and engage the *majority* of the Graces on your ſide, inſure the caſting vote, and be returned *aimable*. There are people whom the *Precieuſe* of Moliere very juſtly, though very affectedly, calls *les antipodes des graces*; if theſe unhappy people are formed by Nature invincibly *mauſſades* and aukward, they are to be pitied rather than blamed or ridiculed. But Nature has diſinherited few people to that degree.

Edin. Mag.

Dr Gregory's Legacy to his daughters.

EXTRACTS. [146.]

CONDUCT and BEHAVIOUR.

ONE of the chief beauties in a female character is that modeſt reſerve, that retiring delicacy, which avoids the public eye, and is diſconcerted even at the gaze of admiration. — I do not wiſh you to be inſenſible to applauſe. If you were, you muſt become, if not worſe, at leaſt leſs amiable women. But you may be dazzled by that admiration, which yet rejoices your hearts.

When a girl ceaſes to bluſh, ſhe has loſt the moſt powerful charm of beauty. That extreme ſenſibility which it indicates, may be a weakneſs and incumbrance in our ſex, as I have too often felt; but in yours it is peculiarly engaging. Pedants, who think themſelves philoſophers, aſk why a woman ſhould bluſh when ſhe is conſcious of no crime. It is a ſufficient anſwer, that Nature has made you to bluſh when you are guilty of no fault, and has forced us to love you becauſe you do ſo. — Bluſhing is ſo far from being neceſſarily an attendant on guilt, that it is the uſual companion of innocence.

This modeſty, which I think ſo eſſential in your ſex, will naturally diſpoſe you to be rather ſilent in company, eſpecially in a large one. — People of ſenſe and diſcernment will never miſtake ſuch ſilence for dulneſs. One may take a ſhare in converſation without uttering a ſyllable. The expreſſion in the countenance ſhews it, and this never eſcapes an obſerving eye.

I ſhould be glad that you had an eaſy dignity in your behaviour at public places, but not that confident eaſe, that unabaſhed countenance, which ſeems to ſet the company at defiance. — If, while a gentleman is ſpeaking to you, one of ſuperior rank addreſſes you, do not let your eager attention and viſible preference betray the flutter of your heart. Let your pride on this occaſion preſerve you from that meanneſs into which your vanity would ſink you. Conſider that you expoſe yourſelves to the ridicule of the company, and affront one gentleman, only to ſwell the triumph of another, who perhaps thinks he does you honour in ſpeaking to you.

Converſe with men even of the firſt rank with that dignified modeſty, which may prevent the approach of the moſt diſtant familiarity, and conſequently prevent them from feeling themſelves your ſuperiors. ——

Be cautious in diſplaying your good ſenſe. It will be thought you aſſume a ſuperiority over the reſt of the company. — But if you happen to have any learning, keep it a profound ſecret, eſpecially from the men, who generally look with a jealous and malignant eye on a woman of great parts and a cultivated underſtanding.

A man of real genius and candour is far ſuperior to this meanneſs. But ſuch a one will ſeldom fall in your way; and if by accident he ſhould, do not be anxious to ſhew the full extent of your knowledge. If he has any opportunities of ſeeing you, he will ſoon diſcover it himſelf; and if you have any advantages of perſon or manner, and keep your own ſecret, he will probably give you credit for a great deal more than you poſſeſs. — The great art of pleaſing in converſation conſiſts in making the company pleaſed with themſelves. You will more readily hear than talk yourſelves into their good graces.

Beware of detraction, eſpecially where your own ſex are concerned. You are generally accuſed of being particularly addicted to this vice. — I think unjuſtly. — Men are fully as guilty of it when their intereſts interfere. — As your intereſts more frequently claſh, and as your feelings are quicker than ours, your temptations to it are more frequent. For this reaſon, be particularly tender of the reputation of your own ſex, eſpecially when they happen to rival you in our regards. We look on this as the ſtrongeſt proof of dignity and true greatneſs of mind.

Shew a compaſſionate ſympathy to unfortunate women, eſpecially to thoſe who are rendered ſo by the villany of men. Indulge a ſecret pleaſure, I may ſay pride, in being the friends and refuge of the unhappy, but without the vanity of ſhewing it.

Conſider every ſpecies of indelicacy in converſation, as ſhameful in itſelf, and as highly diſguſting to us. All double entendre is of this ſort. — The diſſoluteneſs of mens education allows them to be diverted with a kind of wit, which yet they have delicacy enough to be ſhocked at, when it comes from your mouths, or even when you hear it without pain and contempt. — Virgin purity

is of that delicate nature, that it cannot hear certain things without contamination. It is always in your power to avoid theſe. No man, but a brute or a fool, will inſult a woman with converſation which he ſees gives her pain; nor will he dare to do it, if ſhe reſent the injury with a becoming ſpirit. -- There is a dignity in conſcious virtue which is able to awe the moſt ſhameleſs and abandoned of men. ——

A fine woman, like other fine things in nature, has her proper point of view, from which ſhe may be ſeen to moſt advantage. To fix this point requires great judgement, and an intimate knowledge of the human heart. By the preſent mode of female manners, the ladies ſeem to expect that they ſhall regain their aſcendency over us, by the fulleſt diſplay of their perſonal charms, by being always in our eye at public places, by converſing with us with the ſame unreſerved freedom as we do with one another; in ſhort, by reſembling us as nearly as they poſſibly can. — But a little time and experience will ſhew the folly of this expectation and conduct.

The power of a fine woman over the hearts of men, of men of the fineſt parts, is even beyond what ſhe conceives. They are ſenſible of the pleaſing illuſion, but they cannot, nor do they wiſh to diſſolve it. But if ſhe is determined to diſpel the charm, it certainly is in her power: ſhe may ſoon reduce the angel to a very ordinary girl.

There is a native dignity in ingenuous modeſty to be expected in your ſex, which is your natural protection from the familiarities of the men, and which you ſhould feel previous to the reflection, that it is your intereſt to keep yourſelves ſacred from all perſonal freedoms. The many nameleſs charms and endearments of beauty ſhould be reſerved to bleſs the arms of the happy man to whom you give your heart, but who, if he has the leaſt delicacy, will deſpiſe them, if he knows that they have been proſtituted to fifty men before him. — The ſentiment, that a woman may allow all innocent freedoms, provided her virtue is ſecure, is both groſsly indelicate and dangerous, and has proved fatal to many of your ſex. ——

Amuſements.

Every period of life has amuſements which are natural and proper to it. You may indulge the variety of your taſtes in theſe, while you keep within the bounds of that propriety which is ſuitable to your ſex. ——

I would particularly recommend to you thoſe exerciſes that oblige you to be much abroad in the open air, ſuch as walking, and riding on horſeback. This will give vigour to your conſtitutions, and a bloom to your complexions. If you accuſtom yourſelves to go abroad always in chairs and carriages, you will ſoon become ſo enervated, as to be unable to go out of doors without them. They are like moſt articles of luxury, uſeful and agreeable when judiciouſly uſed; but when made habitual, they become both inſipid and pernicious.

An attention to your health is a duty you owe to yourſelves and to your friends. Bad health ſeldom fails to have an influence on the ſpirits and temper. The fineſt geniuſes, the moſt delicate minds, have very frequently a correſpondent delicacy of bodily conſtitution, which they are too apt to neglect. Their luxury lies in reading and late hours, equal enemies to health and beauty. ——

The domeſtic œconomy of a family is entirely a woman's province, and furniſhes a variety of ſubjects for the exertion both of good ſenſe and good taſte. If you ever come to have the charge of a family, it ought to engage much of your time and attention; nor can you be excuſed from this by any extent of fortune, though with a narrow one the ruin that follows the neglect of it may be more immediate. ——

Dreſs is an important article in female life. The love of dreſs is natural to you, and therefore it is proper and reaſonable. Good ſenſe will regulate your expence in it, and good taſte will direct you to dreſs in ſuch a way as to conceal any blemiſhes, and ſet off your beauties, if you have any, to the greateſt advantage. But much delicacy and judgement are required in the application of this rule. A fine woman ſhews her charms to moſt advantage, when ſhe ſeems moſt to conceal them. The fineſt boſom in nature is not ſo fine as what imagination forms. The moſt perfect elegance of dreſs appears always the moſt eaſy, and the leaſt ſtudied.

Do not confine your attention to dreſs to your public appearances. Accuſtom yourſelves to an habitual neatneſs, ſo that in the moſt careleſs undreſs, in your moſt unguarded hours, you may have no

no reaſon to be aſhamed of your appearance. — You will not eaſily believe how much we conſider your dreſs as expreſſive of your characters. Vanity, levity, ſlovenlineſs, folly, appear through it. An elegant ſimplicity is an equal proof of taſte and delicacy. ——

FRIENDSHIP, LOVE, MARRIAGE.

—— In the choice of your friends, have your principal regard to goodneſs of heart and fidelity. If they alſo poſſeſs taſte and genius, that will ſtill make them more agreeable and uſeful companions. You have particular reaſon to place confidence in thoſe who have ſhown affection for you in your early days, when you were incapable of making them any return. This is an obligation for which you cannot be too grateful. ——

If you have the good fortune to meet with any who deſerve the name of friends, unboſom yourſelf to them with the moſt unſuſpicious confidence. It is one of the world's maxims, Never to truſt any perſon with a ſecret, the diſcovery of which could give you any pain; but it is the maxim of a little mind and a cold heart, unleſs where it is the effect of frequent diſappointments and bad uſage. An open temper, if reſtrained but by tolerable prudence, will make you, on the whole, much happier than a reſerved ſuſpicious one, although you may ſometimes ſuffer by it. Coldneſs and diſtruſt are but the too certain conſequences of age and experience; but they are unpleaſant feelings, and need not be anticipated before their time.

But however open you may be in talking of your own affairs, never diſcloſe the ſecrets of one friend to another. Theſe are ſacred depoſits, which do not belong to you, nor have you any right to make uſe of them. ——

Beware of making confidants of your ſervants. Dignity not properly underſtood, very readily degenerates into pride; which enters into no friendſhips, becauſe it cannot bear an equal, and is ſo fond of flattery as to graſp at it even from ſervants and dependents. The moſt intimate confidants, therefore, of proud people, are valets-de-chambre and waiting-women. Shew the utmoſt humanity to your ſervants; make their ſituation as comfortable to them as poſſible; but if you make them your confidants, you ſpoil them, and debaſe yourſelves. ——

The effects of love among men are diverſified by their different tempers. An artful man may counterfeit every one of them ſo as eaſily to impoſe on a young girl of an open, generous, and feeling heart, if ſhe is not extremely on her guard. The fineſt parts in ſuch a girl may not always prove ſufficient for her ſecurity. The dark and crooked paths of cunning are unſearchable, and inconceivable to an honourable and elevated mind.

The following, I apprehend, are the moſt genuine effects of an honourable paſſion among the men, and the moſt difficult to counterfeit. A man of delicacy often betrays his paſſion by his too great anxiety to conceal it, eſpecially if he has little hopes of ſucceſs. True love, in all its ſtages, ſeeks concealment, and never expects ſucceſs. It renders a man, not only reſpectful, but timid to the higheſt degree, in his behaviour to the woman he loves. To conceal the awe he ſtands in of her, he may ſometimes affect pleaſantry; but it ſits awkwardly on him, and he quickly relapſes into ſerioufneſs, if not into dulneſs. He magnifies all her real perfections in his imagination, and is either blind to her failings, or converts them into beauties. Like a perſon conſcious of guilt, he is jealous that every eye obſerves him; and to avoid this, he ſhuns all the little obſervances of common gallantry.

His heart and his character will be improved in every reſpect by his attachment. His manners will become more gentle, and his converſation more agreeable; but diffidence and embarraſſment will always make him appear to diſadvantage in the company of his miſtreſs. If the faſcination continue long, it will totally depreſs his ſpirit, and extinguiſh every active, vigorous, and manly principle of his mind.

When you obſerve in a gentleman's behaviour theſe marks which I have deſcribed above, reflect ſeriouſly what you are to do. If his attachment is agreeable to you, I leave you to do as nature, good ſenſe, and delicacy, ſhall direct you. If you love him, let me adviſe you never to diſcover to him the full extent of your love, no not although you marry him. That ſufficiently ſhews your preference; which is all he is intitled to know *. If he has delicacy, he will aſk for no ſtronger proof of your affection, for

* [But may it not with juſtice be argued againſt this propoſition, that however luxuriant

for your ſake; if he has ſenſe, he will not aſk it for his own. This is an unpleaſant truth; but it is my duty to let you know it. Violent love cannot ſubſiſt, at leaſt cannot be expreſſed, for any time together, on both ſides; otherwiſe the certain conſequence, however concealed, is fatiety and diſguſt. Nature in this caſe has laid the reſerve on you.

If you ſee evident proofs of a gentleman's attachment, and are determined to ſhut your heart againſt him, as you ever hope to be uſed with generoſity by the perſon who ſhall engage your own heart, treat him honourably and humanely. Do not let him linger in a miſerable ſuſpenſe, but be anxious to let him know your ſentiments with regard to him.

However peoples hearts may deceive them, there is ſcarcely a perſon that can love for any time without at leaſt ſome diſtant hope of ſucceſs. If you really wiſh to undeceive a lover, you may do it in a variety of ways. There is a certain ſpecies of eaſy familiarity in your behaviour, which may ſatisfy him, if he has any diſcernment left, that he has nothing to hope for. But perhaps your particular temper may not admit of this.—You may eaſily ſhew, that you want to avoid his company; but if he is a man whoſe friendſhip you wiſh to preſerve, you may not chuſe this method, becauſe then you loſe him in every capacity.—You may get a common friend to explain matters to him, or fall on many other devices, if you are ſeriouſly anxious to put him out of ſuſpenſe.

But if you are reſolved againſt every ſuch method, at leaſt do not ſhun opportunities of letting him explain himſelf. If you do this, you act barbarouſly and unjuſtly. If he brings you to an explanation, give him a polite, but reſolute and deciſive anſwer. In whatever way you convey your ſentiments to him, if he is a man of ſpirit and delicacy, he will give you no further trouble, nor apply to your friends for their interceſſion. This laſt is a method of courtſhip which every man of ſpirit will diſdain.—He will never whine nor ſue for your pity. That would mortify him almoſt as much as your ſcorn. In ſhort, you may poſſibly break ſuch a heart; but you can never bend it.—Great pride always accompanies delicacy, however concealed under the appearance of the utmoſt gentleneſs and modeſty, and is the paſſion of all others the moſt difficult to conquer.—

I know nothing that renders a woman more deſpicable, than her thinking it eſſential to happineſs to be married. Beſides the groſs indelicacy of the ſentiment, it is a falſe one, as thouſands of women have experienced. But if it was true, the belief that it is ſo, and the conſequent impatience to be married, is the moſt effectual way to prevent it.

You muſt not think from this, that I do not wiſh you to marry. On the contrary, I am of opinion, that you may attain a ſuperior degree of happineſs in a married ſtate, to what you can poſſibly find in any other.——

If I live till you arrive at that age when you ſhall be capable to judge for yourſelves, and do not ſtrangely alter my ſentiments, I ſhall act towards you in a very different manner from what moſt parents do. My opinion has always been, that when that period arrives, the parental authority ceaſes.

I hope I ſhall always treat you with that affection and eaſy confidence which may diſpoſe you to look on me as your friend. In that capacity alone I ſhall think myſelf intitled to give you my opinion; in the doing of which, I ſhould think myſelf highly criminal, if I did not to the utmoſt of my power endeavour to diveſt myſelf of all perſonal vanity, and all prejudices in favour of my particular taſte. If you did not chuſe to follow my advice, I ſhould not on that account ceaſe to love you as my children. Though my right to your obedience was expired, yet I ſhould think nothing could releaſe me from the ties of nature and humanity.——

From what I have ſaid, you will eaſily ſee, that I could never pretend to adviſe whom you ſhould marry; but I can with great confidence adviſe whom you ſhould not marry.

Avoid a companion that may entail any hereditary diſeaſe on your poſterity, particularly (that moſt dreadful of all human calamities) madneſs. It is the height of imprudence to run into ſuch a danger, and, in my opinion, highly criminal.

Do

riant the plant, it cannot long ſubſiſt in an ungrateful ſoil; that a man whoſe ſoul is devoted to one object, is not worthily repaid by bare compliances, or by the ſcanty returns of gratitude; and that thoſe who adopt this ſcheme of reſerve in marriage, overlook the moſt refined enjoyment of which human nature is capable, the felicity which reſults from the conſciouſneſs of a mutual affection? *Month. Rev.*]

Do not marry a fool: he is the moſt untractable of all animals; he is led by his paſſions and caprices, and is incapable of hearing the voice of reaſon. It may probably, too, hurt your vanity to have huſbands for whom you have reaſon to bluſh and tremble every time they open their lips in company. But the worſt circumſtance that attends a fool, is his conſtant jealouſy of his wife being thought to govern him. This renders it impoſſible to lead him; and he is continually doing abſurd and diſagreeable things, for no other reaſon but to ſhew he dares do them.

A rake is always a ſuſpicious huſband, becauſe he has only known the moſt worthleſs of your ſex. He likewiſe entails the worſt diſeaſes on his wife and children, if he has the misfortune to have any.

If you have a ſenſe of religion yourſelves, do not think of huſbands who have none. If they have tolerable underſtandings, they will be glad that you have religion, for their own ſakes, and for the ſake of their families; but it will ſink you in their eſteem. If they are weak men, they will be continually teaſing and ſhocking you about your principles. — If you have children, you will ſuffer the moſt bitter diſtreſs, in ſeeing all your endeavours to form their minds to virtue and piety, all your endeavours to ſecure their preſent and eternal happineſs, fruſtrated, and turned into ridicule.

As I look on your choice of a huſband to be of the greateſt conſequence to your happineſs, I hope you will make it with the utmoſt circumſpection. Do not give way to a ſudden ſally of paſſion, and dignify it with the name of love. — Genuine love is not founded in caprice; it is founded in nature, on honourable views, on virtue, on ſimilarity of taſtes and ſympathy of ſouls. ——

I have thus given you my opinion on ſome of the moſt important articles of your future life, chiefly calculated for that period when you are juſt entering the world. —— What I have written has been the amuſement of ſome ſolitary hours, and has ſerved to divert ſome melancholy reflections. — I am conſcious I undertook a taſk to which I was very unequal; but I have diſcharged a part of my duty. — You will at leaſt be pleaſed with it, as the laſt mark of your father's love and attention.

Arguments, &c. on literary property. [126.]

Feb. 15. The judges attended the Houſe of Lords to give anſwers to the queſtions put to them.

Baron *Eyre* delivered his opinion firſt. He obſerved, that great pains had been taken by the ingenious counſel for the reſpondents, to avoid conſidering the ſubject as at all connected with metaphyſical ſubtleties; that ſuch an attempt, though highly praiſe-worthy in thoſe who had the intereſt of their clients at heart, was yet totally impracticable, as every endeavour to diſclaim the uſe of metaphyſical reaſoning tended only to ſhew how neceſſary it was to the accurate diſcuſſion of the ſubject: That the queſtion, in fact, was reſpecting a right to appropriate ideas: That the objects over which a right, and in which an excluſive property was claimed, were incorporeal exiſtences, which could not be treated of with any degree of accuracy, without having recourſe to the aid of ſcientific diſquiſition: That the thinking-faculty was a gift with which all men were endued; that ideas produced by the operation of a thinking-faculty common to all, ſhould likewiſe be held common, and no more be deemed ſubject to excluſive appropriation, than any other of the common gifts of nature.

Hence the Baron put an abſolute negative upon the firſt queſtion, relative to the author of a book, or literary compoſition, having a right at common law to the excluſive ſale of ſuch book or literary compoſition. This the Baron denied in the moſt poſitive terms. He ſaid, that a right to appropriate ideas, was a right to appropriate ſomething ſo ethereal as to elude definition; ſo intellectual as not to fall within the limits of the human mind to deſcribe with any tolerable degree of accuracy. Ideas, if convertible into objects of property, ſhould bear ſome faint ſimilitude to other objects of property; they did not bear any ſuch ſimilitude, they were altogether anomalous.

The Baron obſerved, that if the notion of a common-law right ſhould be reprobated, ſuch reprobation carried with it an explicit anſwer to the ſecond queſtion: There being no common-law right, an action could not be maintained againſt the republiſhers of an author's book or literary compoſition, without his conſent.

The Baron next proceeded to brand an exclusive appropriation of literary works, with the epithet of *a monopoly*, against every kind of which the statute of James I. had sufficiently provided. Yet the Baron contended, that even monopolies, in some cases, were allowable; but then the state had taken care to allow them only for a convenient time.

The Baron then reviewed the cases which, by the respondents counsel, had been adduced to prove the sentiments of the court of chancery in favour of a common-law right. But the Baron contended, that although the court of chancery had frequently granted injunctions, it cautiously avoided giving any final adjudication upon the matter. An antecedent common-law right was never hinted at; nor were the injunctions granted in the cases cited, at all in point: they had been granted on the appearance of something fraudulent upon the face of the transaction, as in the case of Pope and Curl.

Nor did injunctions prove the Chancellor's opinion upon a matter of common-law right; in confirmation of which (added the Baron) I will venture an anecdote. "There is a paper now existing, containing some notes Lord Hardwicke had taken down, which set forth the sole and exclusive right of an author at common law, to multiply copies for sale. In the margin of which paper, and opposite to this very passage, there is in Lord Hardwicke's own hand-writing a very large Q. which proves that his Lordship entertained doubts respecting the legality of the position."

The Baron considered a book precisely upon the same footing with any other mechanical invention. In the case of mechanical inventions, ideas were in a manner embodied, so as to render them tangible and visible; a book was no more than a transcript of ideas; and, whether ideas were rendered cognisable to any of the senses, by the means of this or that art, of this or that contrivance, was altogether immaterial: yet every mechanical invention was common, whilst a book was contended to be the object of exclusive property! So that Mr Harrison, after constructing a time-piece, at the expence of forty years labour, had no method of securing an exclusive property in that invention, unless by a grant from the state: yet, if he was in a few hours to write a pamphlet, describing the properties, the utility, and construction of his time-piece, in such pamphlet he would have a right secured by common law! though the pamphlet contained exactly the same ideas on paper, that the time-piece did in clock-work machinery! The cloathing is dissimilar; the essences cloathed are identically the same. [59.]

On the whole, the Baron contended, that a mechanical invention and a literary composition exactly agreed in point of similarity; the one therefore was no more intitled to be the object of common-law property than the other; and as the common law was entirely silent with respect to what is called literary property, as ancient usage was against the supposition of such a property, and as no exclusive right of appropriating those other operations of the mind which pass under the denomination of mechanical inventions was vested in the inventor by common law, the Baron declared himself against the principle of admitting the author of a book, any more than the inventor of a piece of mechanism, to have a right at common law to the exclusive appropriation and sale of the same.

This was an answer to the first and second questions. It was also an answer to the first question proposed by Lord Camden; for if an author had no right at all by common law, he could have none in perpetuity.

But admitting him to have had such common-law right; in reply to the third and fifth questions, which ask, "How far the statute 8° Ann. affects the case, or takes away a common-law right existing antecedently in an author or his assignees?" Baron Eyre contended, that every principle of a common-law right was effectually done away by this statute. This he essayed to prove from the title, preamble, and certain clauses of the act, from the adoption of the word *vest*, and the mode of expression used, of giving an author an exclusive property for fourteen years, and no longer.

Justice *Nares* spoke next. He stated to the House why he thought a common-law right in literary property did exist, and why the statute of Q. Anne did not take it away. He observed, that as it was admitted on all hands that an author had a beneficial interest in his own manuscript before publication, it was a most extraordinary circumstance, that he should lose that beneficial interest the very first moment he attempted to exercise

ciſe it; and he put ſeveral caſes to ſupport his argument. The ſtatute, he ſaid, did not take away the common-law remedy, although it gave an additional one; as in the caſe of an action for maliciouſly ſuing out a commiſſion of bankruptcy, although the ſtatutes of bankruptcy have provided an additional penalty for that offence by the bond given to the Chancellor. After having ſpoke near an hour, he concluded with anſwering the queſtions in a manner directly oppoſite to that of Baron Eyre.

Judge *Aſhurſt* then roſe, and accorded in the ſame opinion with Juſtice Nares, after tracing the nature of literary property, and producing many reaſons to prove that ſuch a claim was warranted by the principles of natural juſtice and ſolid reaſon. Making an author's intellectual ideas common, was, he obſerved, giving the purchaſer an opportunity of uſing thoſe ideas, and profiting by them, while they inſtructed and entertained him; but he could not conceive, that the vender, for the price of five ſhillings, ſold the purchaſer a right to multiply copies, and ſo get five hundred pounds. Literary property was to be defined and deſcribed as well as other matters, and matters which were tangible. Every thing was property that was capable of being known or defined, capable of a ſeparate enjoyment, and of value to the owner. Literary property fell within the terms of this definition. According to the appellants, if a man lends his manuſcript to his friend, and his friend prints it, or if he loſes it, and the finder prints it, yet an action would lie, (as Juſtice Yeates had admitted); which ſhewed that there was a property beyond the materials, the paper and print. That a man, by publiſhing his book, gave the public nothing more than the uſe of it. A man may give the public a highway through his field, and if there was a mine under that highway, it was nevertheleſs his property. It had been ſaid, that when the bird was once out of the hand, it was become common, and the property of whoever caught it: This was not wholly true; for there was a caſe upon the law-books, where a hawk with bells about its neck had flown away; a perſon detained it, and an action was brought at common law againſt the perſon who did detain it. A book with an author's name to it was the hawk, with the bells about its neck, and an action might be brought againſt whoever pirated it. Since the ſtatute of monopolies, no queſtions could exiſt about mechanical inventions. Manufactures were at a very low ebb till Q. Eliſabeth's time. In the reign of James I. the ſtatute of monopolies was paſſed; ſince that act no inventor could maintain an action without a patent. 'Tis the policy of kingdoms, and preſervation of trade, that exclude them. The appellants were contending for the right of printing; but the right of exerciſing a trade with another man's materials, could not be allowed, either by reaſon, or natural juſtice. A miller might grind corn, and a carpenter might build a houſe; but the firſt was not warranted in grinding any corn but his own; nor the carpenter in building a houſe with another man's wood. With regard to the queſtion, its being capable of perpetuity, few ſubjects were ſo: Even land, the moſt tangible ſpecies of property, might be waſhed away by the ſea, and therefore might be rendered incapable of being perpetually enjoyed. He thought, however, that the reſpondents were intitled to as full an enjoyment as the nature of the caſe could allow.

As ſoon as Judge Aſhurſt had concluded, he informed the Houſe that Judge *Blackſtone* was ill with the gout, but had ſent his written opinion, which he read to the Houſe. Judge Blackſtone, in general terms, anſwered the five queſtions, and was of the ſame opinion with his brethren, Juſtice Nares and Judge Aſhurſt.

Feb. 17. Juſtice *Willes*, after having ſhewn of what ſpecies of property the author's copy-right partook, — that it was eſtate perſonal, that it was aſſignable, and that every man conceived what it meant, — declared it as his opinion, that an author had an indiſputable power and dominion over his manuſcript; that that power was not alienated when the manuſcript was printed and publiſhed; that the author had an excluſive right of multiplying copies according to the common law, which was founded on reaſon and truth. This claim of right began with printing; and for this eſpecial reaſon, becauſe copies could not be eaſily multiplied but by the preſs, and, therefore, that from which no profit could be got, was hardly a property.

In the courſe of the arguments this claim had been called by the odious name of *a monopoly*. This was a popular ar-

gument; but *argumenta ad populum* were not always well founded; and, upon proper inveſtigation, this appeared to be more ſpecious than real.

After a variety of learned obſervations, and ſeveral inſtances cited, to prove that copy-right did exiſt independent of patents, priviliges, ſtar-chamber decrees, or the ſtatute of Q. Anne; particularly the caſe of Tillotſon's ſermons, for the copy-right of which the Archbiſhop's family received twenty-five hundred pounds after the expiration of the licenſing act, and previous to the act of Q. Anne; Judge Willes gave his opinion upon the firſt, ſecond, and fourth queſtions, That at common law an author had the ſole right of firſt printing and publiſhing the ſame for ſale, and might bring an action againſt any perſon who printed, publiſhed, and ſold the ſame without conſent; and likewiſe, that, after publication, an author or his aſſigns had an excluſive right in perpetuity of multiplying copies.

He then proceeded upon the ſtatute of Q. Anne, which he declared did not take away that right. It was, he obſerved, an act very inaccurately penned, but nevertheleſs it conveyed to his mind no idea of the legiſlature's entertaining an opinion, that, at the time of paſſing it, there was no common-law right. The word *veſting* appearing in the title had given riſe to ſuch an idea, but the preamble contradicted it in the fulleſt manner. The words of it were, "Whereas certain printers and bookſellers have *taken the liberty* of printing and reprinting," &c. &c. The phraſeology of this ſentence plainly proved, that a known right previous to that ſtatute exiſted; the legiſlature would not have termed the exerciſe of what was common to all, *taking a liberty*: had they not underſtood that a right in perpetuity exiſted at common law, the words of the preamble to the bill would probably have been, "Whereas certain printers and bookſellers *claim a right* of printing," &c. and the intention of the word *reprinting* ſhewed, that the idea prevailed that an author's property went farther than the firſt publication.

The univerſality of the ſaving clauſe, Judge Willes ſaid, convinced him, that the right of common law, which he had ſuppoſed to have exiſted antecedent to that act, was left untouched by it; that it was not a particular ſalvo for the univerſities, and the holders of copy-right by patent, but that it was general, mentioning the words "all perſons."

Having by a multitude of forcible arguments maintained the doctrine of a perpetuity, he anſwered the third and fifth queſtions by giving it as his opinion, That an action at common law was not any wiſe impeached, reſtrained, or taken away, by the ſtatute of Q. Anne, nor was the author precluded by ſuch ſtatute from any remedy, except on the foundation of the ſaid ſtatute, and the terms and conditions preſcribed thereby.

Juſtice *Aſton* next gave his anſwer, beginning with reading a learned judge's ſentiments in favour of literary property, as reported by Sir James Burrow. He agreed with the three judges who had ſpoke before him, that it was a property, and that it belonged to an author independent of any ſtatutory ſecurity. It was not neceſſary, he obſerved, for any man to advert either to the Grecians or Romans to diſcover the principles of the common law of England. Every country had ſome certain general rules which governed its law: that our common law had its foundation in private juſtice, moral fitneſs, and public convenience; the natural rights of every ſubject were protected by it; and there did not exiſt an argument which would amount to conviction that an author had not a natural right to the produce of his mental labours. If this right originally exiſted, what but an act of his own could take it away? By publication he only exerciſed his power over it in one ſenſe; when one book was ſold, it never could be thought that the purchaſer had poſſeſſed himſelf of that property which the author held before he publiſhed his work. A real abandonment on the part of the firſt owner muſt have taken place, before his original right became common.

In all abandonments, Judge Yeates had defined, that two circumſtances were neceſſary; an actual relinquiſhing the poſſeſſion, and an intention to relinquiſh it: in the preſent caſe neither could be proved. Many manuſcripts had not been committed to the preſs till years after they were written; the poſſeſſion of them for a century did not invalidate the claim of the author or his aſſigns. With regard to mechanical inſtruments, becauſe the act againſt monopolies had rendered it neceſſary for the inventors of them to ſeek ſecurity under a patent, it could be no argument why in literary property there

there ſhould be no common-law right. He thought it would be more liberal to conclude, that, previous to the monopoly-ſtatute, there exiſted a common-law right equally to an inventor of a machine and author of a book.

After a variety of arguments drawn from the nature of the property, and the conſtruction which would rationally be put upon the act of publication, Judge Aſton gave his opinion in favour of the firſt, ſecond, and fourth queſtions.

With regard to the ſtatute of Q. Anne, he obſerved, that it was no more than a temporary ſecurity, given by the legiſlature to the author, enabling him to recover penalties, and bring a matter of complaint againſt any perſon who printed upon him to a more certain iſſue than by an action at common law. It was an act paſſed for *the encouragement* of learned men; and being ſo termed in its title, it was a ſufficient proof that it was no bar to the common-law right which exiſted previous to its being enacted. He read the preamble, and contended, that it was evident from the wording of it, that it meant to give an additional ſecurity to a right which they who paſſed the act knew exiſted. Beſides, the manner of paſſing it ſpoke in favour of this idea. He had ſeen the original bill as preſented to the committee appointed to bring it in, and it then had a long flouriſhing preamble, which the committee ſtruck out. Thoſe who were ſanguine for the petitioners, begged a perpetuity by ſtatute. The enemies to them at firſt refuſed to grant any ſtatutory ſecurity. The bill gave particular trouble in paſſing; there were ſeveral conferences between the two houſes upon it; and the very day it paſſed, it was ſo backward, that the Queen did not come to the houſe till three in the afternoon. Beſides, the ſaving clauſe was clearly a ſalvo to the common-law right. The idea was as forcibly expreſſed as words could expreſs it.

After citing the injunctions granted by the court of chancery, and uſing a multitude of circumſtances in favour of literary property, he gave his anſwer to the third and fifth queſtions, declaring it his opinion, That an action at common law was not any wiſe impeached, reſtrained, or taken away, by the 8th of Q. Anne.

Baron *Perrot* ſpoke next. He began by obſerving, that the argument for the exiſtence of a common-law right, and the definition of literary property as chattel-property, was, in his idea, exceedingly ill founded and abſurd. If literary property was a chattel, then, upon the death of the poſſeſſor of a manuſcript, any ſimple-contract creditor might oblige his family or aſſigns to give it up, and ſuffer him to print it. An author certainly had a right to his manuſcript; he might line his trunk with it, or he might print it. After publication, any man might do the ſame; their Lordſhips might turn printers if they choſe, and print it. From the patents, the privileges, the ſtar-chamber decrees, and the licenſing acts, it was evident, that in thoſe days no idea was entertained of an author's having any claim to the excluſive right of printing what he had once publiſhed. If a manuſcript was ſurreptitiouſly obtained, an action at common law would certainly lie for the corporeal part of it, the paper. So if a friend to whom it was lent, or a perſon who found it, multiplied copies, having ſurrendered the original manuſcript, he had ſurrendered all that the author had any common-law right to claim.

He ſpoke of the right under patents and privileges as a right petitioned for by printers, without any thought of an author's entertaining an idea that he had any claim. As to the ſtationers company, ſurely we were not to look for the common law among them: all their rules and orders were for the ſecurity of ſuch peculiar works as their own members had been wont to print.

An inventor of a machine or mechanical inſtrument, like an author, gave his ideas to the public; previous to publication, he poſſeſſed the *jus utendi, fruendi, et diſponendi*, in as full an extent as the writer of a book: and yet it never was heard that an inventor, when he ſold one of his machines or inſtruments, thought the purchaſer, if he choſe it, had not a right to make another after its model. The right of excluſively making any mechanical invention was taken away from the author or inventor by the act againſt monopolies, of the 21ſt of James I. which act ſaved prerogative copy-rights, and which would have mentioned what was now termed literary property, had an idea exiſted that there was a common-law right for an author or his aſſigns excluſively to multiply copies. The argument, That when a book was publiſhed and ſold, there was an implied contract

between

between the author and purchaſer, could not be maintained. The purchaſer bought the paper and print, the corporeal part of his purchaſe; and he bought a right to uſe the ideas, the incorporeal part of it.

The doctrine of implied contracts would not hold, as it was improbable. The author ſuſtained a loſs, but no injury, from another's printing his copy. *Damnum ſine injuria* was an eſtabliſhed maxim of law. As another, by multiplying copies, reaped profit, the original author ſuſtained a loſs, but he ſuſtained no injury. To be injured, a man muſt loſe his right; that right muſt be founded in law; and where the law gives no remedy, an author can claim no right; the matter is common to all. It had been ſaid, that a declaration had been filed on an action at common law, for the invaſion of copy-right; but it had not been found, although every law-book had been ranſacked for the purpoſe, that a trial was ever had at common law: An incontrovertible proof that there was not a lawyer in Weſtminſter-hall who ſuppoſed that there exiſted any right at common law. The preſent claim was neither more nor leſs than a claim for a monopoly, and all monopolies were odious to the common law.

The Baron contended, that the arguments of the counſel, and the opinions of thoſe on the other ſide of the queſtion, were more ingenious than convincing. He therefore anſwered the firſt, ſecond, and fourth queſtions in the negative, being fixed in opinion, that there never exiſted a common-law right, and that an author had no claim to his manuſcript after publication.

Reſpecting the ſtatute of Q. Anne, he was perfectly convinced, that it was the only ſecurity that authors or bookſellers had; that it gave a right for fourteen years to the holders of copies, and after that period the right reverted to the authors for fourteen years longer. The Baron ſaid, he could not ſpeak to the act without having it in his hand. He firſt read the title, and declared, that all the metaphyſical ſubtlety of definition which the ableſt logician could muſter, could not give any other ſenſe to the words, "for the encouragement of learning, and for veſting a right in authors," than a creation of a property, not a further ſecurity for one. He then read the preamble, and went through the act ſentence by ſentence, particularly inveſtigating the meaning of each clauſe, and deducing from thence ſtrong arguments in favour of the opinion he was laying down. The words, "and no longer," he declared were clear and concluſive, out of the power of argument to ſurmount. They ſhewed, that the legiſlature thought it a great favour to grant any, even a limited ſecurity; and, that they might not be miſunderſtood, they expreſſed their idea in the fulleſt terms. After theſe words it was in the higheſt degree abſurd to contend, that any ſaving clauſe could be ſo conſtrued as to affect, and indeed deſtroy, the moſt ſubſtantial meaning of the enacting part of the act. The ſaving clauſe was evidently a ſalvo for thoſe who held a patent-right to copies; and as it would have been tedious to have enumerated all, the univerſities were mentioned, as being the greateſt holders under that kind of deſcription.

The Baron enforced this obſervation, and the concluſion he drew from the words, *and no longer*, in the enacting clauſe, by citing a caſe of an attainder in the reign of Edward VI. being taken off by an act of parliament many years afterwards; which act, in the enacting clauſe, took off the attainder in the fulleſt and moſt entire manner, and afterwards contained a ſaving clauſe for certain leaſes granted by the King, who paſſed the bill of attainder. One of the holders of theſe leaſes brought an action againſt the family relieved from the attainder, and grounded his claim upon the ſaving clauſe; but the court adjudged againſt him, for that the attainder being entirely taken off by the enacting clauſe, it was idle to contend that any ſaving clauſe could impeach it, or ſecure a right held under the idea of the attainder.

With regard to the injunctions cited on the occaſion, the court of chancery muſt have uniformly miſtaken the law, if they had not granted them under the idea of the ſtatute.

The act itſelf gave no more remedy with its penalties, than it did without them. An author, in the firſt, was allowed to damaſk all the books pirated upon him; by damaſking he underſtood, turn to waſte paper, and line trunks, which linings were figured like damaſk. What remedy was this? None in the world. Then again, a penny per ſheet was to be recovered, half of which went to the informer, and half to the King;

here,

here, therefore, the author got nothing. The ſtatute afforded him grounds for a remedy in equity. The court of chancery, by an injunction and a decree, not only ſtopped the ſale of the pirated copies, but alſo obliged the pirate to account for what he had ſold. This was a ſatisfaction; this was an actual and an effectual remedy. To ſuppoſe that the ſaving clauſe maintained a perpetuity of property, was to ſuppoſe that the act granted an author fourteen years, *and no longer*, except *for ever*; which was ſo barefaced, ſo egregious an abſurdity, that no man of ſenſe could be the dupe of it. That the court of chancery had never dreamt of a common-law right, he proved, by citing a caſe between the ſtamp-office and a news-paper printer: A printer got into the Fleet, and there printed news-papers without ſtamps: the ſtamp-office prayed an injunction; the court refuſed it, and told them, the ſtatute having enacted, that a penalty was to be paid on conviction, that they muſt proſecute to conviction under the ſtatute, and they had a right to the penalty, but they could not upon the principles of common law prevent the printer from continuing his trade. This proved, that ſtatute laws were unneceſſary where remedies could be had at common-law.

After the Baron had ſeverely animadverted on the printers who claim the right of perpetuity, and inſtanced many caſes, all tending to corroborate his opinion, he concluded his ſpeech by affirming that there was no right at common law previous to the 8th of Q. Anne; and that if there was, that ſtatute entirely and effectually took it away.

Juſtice *Gould* agreed, that an author had a right at common law to his manuſcript previous to publication; and he thought that right ſhould continue to him under certain reſtrictions after publication. As public convenience was one of the elements of the common law, that ſhould be conſulted by an author or printer after publication; he was glad to hear it ſtated, that the reſpondents always kept a certain number of the book upon which the preſent appeal was grounded, ready for thoſe who choſe to purchaſe: he obſerved, that if this was not the caſe, it might be urged, that the claim was a monopoly detrimental to the public; and he thought, that if a book was kept out of print for an unreaſonable time, it was a kind of abandonment of property in the original poſſeſſor, and the ſubject of it ought, for the public convenience, to become common. Under this idea he anſwered the firſt, ſecond, and fourth queſtions. With regard to the ſtatute of Q. Anne, he conceived, that the act entirely took away any previous right that an author might have; and that an author was precluded by ſuch ſtatute from any remedy, except on the foundation of the ſame ſtatute, and the terms and conditions preſcribed thereby. This anſwer he gave to the third and fifth queſtions.

Baron *Adams* entered very learnedly into the nature of patents, privileges, and grants of the crown; traced them reſpecting books to a very early period, and cited a variety of inſtances, all tending to prove, that till of late years no idea was entertained that a common-law right exiſted reſpecting what was now termed literary property; that authors never dreamt of any claim in their favour, after they had parted with their manuſcript; that printers, conſcious of their having no other ſecurity, had recourſe to patents and privileges. That there were many books which were called *prerogative-copies*, but that they were not ſo called from the crown having paid for them. Acts of parliament were prerogative-copies, but they could not be ſaid to be the property of the crown. It was an eſpecial part of the prerogative, to protect the religion and laws of the kingdom; therefore the King had the right of appointing his own printer in both inſtances. He was clearly of opinion, that, previous to the ſtatute of Q. Anne, authors and printers had no ſecurity but by patents. He therefore anſwered the firſt, ſecond, and fourth queſtions in the negative. It had been ſaid, that the ſtatute of Q. Anne was very inaccurately penned: the obſervation he declared would certainly hold, if it was conſtrued ſo as not to affect the original common-law right of an author; but if, on the other hand, it was ſuppoſed to give a legal ſecurity for a limited time only, it was worded with a proper degree of preciſion and accuracy. The act moſt evidently created a property which did not exiſt before; the words "fourteen years, and no longer," limited the ſecurity it gave; and the ſaving clauſe could not refer to any common-law right, becauſe he was convinced that there exiſted no common-law right. It

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was merely a ſalvo to the univerſities, and all who held under letters-patent, which alone could in books or copies give a perpetuity. The Baron anſwered the third and fifth queſtions in the negative.

Lord Chief Baron *Smythe*, who gave his opinion next, obſerved, in anſwer to the firſt, ſecond, and fourth queſtions, that the caſes proved that property did exiſt previous to publication, and that publication could not alter it; for that publication neither made it a ſale, a gift, a forfeiture, nor an abandonment, which were the only ways that a perſon could part with his property. When a man publiſhed his manuſcript, he ſold to one perſon only one book, and the uſe of that one book, without any deſign of allowing the purchaſer to multiply copies; if he gave a book away, he gave it under the ſame reſtrictions. A forfeiture always implied a crime, and then the right of property became veſted in the crown; an abandonment could not be without an intent of relinquiſhing his right, and ſuch intent was not deducible from a publication of the ideas written by an author. In the caſes of Pope and Curl, the letters were the property of thoſe to whom they were ſent; but the ideas remained as matter of right veſted in the ſender. In the caſe of Lord Shafteſbury's manuſcript, the ſame deduction followed; for Mr Gwynne ſold to Shebbeare what he had no authority from the author, (Lord Shafteſbury), or his aſſigns, to diſpoſe of. There was no act of diſhoneſty on the part of Shebbeare, although the manuſcript was ſurreptitiouſly obtained, and the family had a remedy.

Some lawyers, yet alive, remembered the caſe of Lord Chief Baron Gilbert's manuſcripts, which he deviſed to Baron Clarke; the Baron never publiſhed them, but a hackney-writer, whom he employed, took an opportunity of copying them, and theſe ſtolen copies were committed to the preſs. The ſame argument lay againſt pirating after as before publication.

It had been mentioned, that a man made his landed eſtate common by giving a part of it to the highway; but it ſurely would not be contended, that although he gave a part of his eſtate for ſuch a purpoſe, any perſon but himſelf had a right to the trees on it, or the mines beneath it.

As to mechanical inventions, he did not know, that, previous to the act of 21° James I. an action would not lie againſt the perſon who pirated an invention. An orrery none but an aſtronomer could make; and he might faſhion a ſecond as ſoon as he had ſeen a firſt; it was then in a degree an original work: whereas, in multiplying an author's copy, his name as well as his ideas were ſtolen, and it was paſſed upon the world as the work of the original author, although he could not poſſibly amend any errors which might have eſcaped in his firſt edition, nor cancel any part which, ſubſequent to the firſt publication, appeared to be improper.

After ſeveral other ſimilar obſervations, he anſwered the firſt, ſecond, and fourth queſtions in the affirmative.

The ſtatute of Q. Anne he looked upon as a compromiſe between authors and printers contending for a perpetuity, and thoſe who denied them any ſtatute-right. There were general rules for the conſtruction of all ſtatutes. One was, That it ſhould never be interpreted ſo as to be unreaſonable: Another, That no clauſe could be conſtrued ſo as to make it inconſiſtent with any former clauſe; it ſhould neither be repugnant nor inconſiſtent. With regard to this ſtatute, we muſt not reject the ſaving clauſe, nor the motive for which it was made, viz. the advancement of learning. The Baron ſaid, that the ſtatute afforded the holders of copy-right a more efficacious remedy than the common law, but that it by no means impeached, reſtrained, or took away the common-law right, he therefore anſwered the third and fifth queſtions in the negative.

Lord Chief Juſtice *De Grey* ſpoke next, in ſubſtance as follows.

With reſpect to the firſt queſtion, there can be no doubt that an author has the ſole right to diſpoſe of his manuſcript as he thinks proper; it is his property, and, till he parts with it, he can maintain an action of trover, treſpaſs, or upon the caſe, againſt any man who ſhall convert that property to his own uſe: but the right now claimed at the bar, is not a title to the manuſcript, but to ſomething after the owner has parted with, or publiſhed his manuſcript; to ſome intereſt, in right of authorſhip, to more than the materials, or manuſcript, on which his thoughts are diſplayed; which is termed *literary property*, or an excluſive privilege of

of multiplying copies of the manuſcript or book, which right is the ſubject of the ſecond queſtion propoſed to us.

Now, if there exiſts any incorporeal right or property in the author, detached from his manuſcript, no act of publication can deſtroy it. Can then ſuch right or property exiſt at all? Does ſuch a right come within the knowledge or reach of the common law? In anſwer to the firſt of theſe queries, I acknowledge, that, though this claim of property is abſtract and ideal, novel and refined, it is yet intelligible, and may as eaſily be made to exiſt for ever as for a term of years; but in order to know whether it is ſo protected by law, a preliminary queſtion is neceſſary, Whether any determination has been made in its favour, by the great and learned men who have been my predeceſſors, in regular courſe of judicature? It is not for me to ſhake a reſpectable ſeries of deciſions, and unhinge the foundations of an eſtabliſhed right, by any *a-priori* reaſoning of my own; but, after inveſtigating the deciſions of the courts of common law, I can find no ſuch determinations. What is common law now, muſt have been ſo 300 years ago, when printing was invented. No traces of ſuch a claim are to be met with prior to the Reſtoration. Very few caſes of this kind happened in Charles II.'s time, or before the licenſing act, and thoſe few were determined upon the prerogative right of the crown. The executive power of the crown drew after it this prerogative right, which extended to all acts of parliament, matters of religion, and acts of ſtate.

Lord Northington granted injunctions on behalf of publications which he conſidered as matters of ſtate, but left ſuch works as The Whole Duty of Man to their common remedy at law. When works of literature, encouraged by the facility of printing, began to ſpread, we find the caſes multiply. Of theſe, however, I lay entirely out of the queſtion, all thoſe which appear to be caſes between rival patentees of the crown, all thoſe relating to the ſtationers company, all thoſe concerning religion, law, or the ſtate, and all unpubliſhed manuſcripts.

I ſhall premiſe, too, before I examine the caſes which happened after the ſtatute, that I am of opinion, that the ſtatute gives authors and their aſſigns a general right not connected with the penalty, and that ſtatutable right falls under the protection of a court of equity, and may claim the benefit of an injunction. To obtain ſuch an injunction, it is by no means neceſſary that the plaintiff ſhould make out a clear indiſputable title. It may be granted on a reaſonable pretence, and a doubtful right, before the hearing of the cauſe; nor is it an objection, that the party applying for it has a remedy at law. No bill for an injunction is to be found before the ſtatute.

The cauſes which have come before the court of chancery ſince the ſtatute, I find to be ſeventeen in number. Of theſe eight were founded on the ſtatute-right: in two or three, the queſtion was, Whether the book was a fair abridgement? and all the reſt were injunctions granted *ex parte*, upon filing the bill, with an affidavit annexed. In theſe caſes the defendant is not ſo much as heard: and can I imagine, that ſo many illuſtrious men, who preſided in the court of chancery, would, without a ſingle argument, have determined ſo great and copious a queſtion, and which has taken up ſo much of your Lordſhips time? In fact, none of them wiſhed to have it ſaid he had formed any opinion on the ſubject.

From my own experience at the bar, I know that the ſucceſſive Chancellors, and Maſters of the Rolls, Lord Northington, Lord Camden, Sir Thomas Clark, &c. have all looked upon the caſe as undetermined; it may now, therefore, be fairly treated as a new queſtion; and indeed it has been argued as ſuch upon general principles. Let us conſider what principles have been laid down as the foundation of this new ſpecies of property. I have heard but of one, namely, that ſuch a claim is conſonant to the moral fitneſs of things. This idea of moral fitneſs is indeed an amiable principle, and one cannot help wiſhing all claims derived from ſo pure a ſource might receive all poſſible encouragement. But this principle is no univerſal rule of law, nor can it be made to apply in all caſes. Beautiful as it may be in theory, to reduce it into the practice and execution of common law would create intolerable confuſion; it would make laws vain, and judges arbitrary.

Nor is it poſſible to ſupport the reſpondents claim upon this principle, and not allow its operation in a variety of other caſes, where, it is confeſſed on all hands, it cannot be allowed. — Abridgements of

books, tranſlations, notes, as effectually deprive the original author of the fruit of his labours, as direct particular copies; yet they are allowable. The compoſers of muſic, the engravers of copperplates, the inventors of machines, are all excluded from the privilege now contended for: but why, if an equitable and moral right is to be the ſole foundation of it? Their genius, their ſtudy, their labour, their originality, is as great as an author's; their inventions are as much prejudiced by copyiſts; and their claim, in my opinion, ſtands exactly on the ſame footing. A nice and ſubtle inveſtigation may, perhaps, find out ſome little logical or mechanical differences, but no ſolid diſtinction in the rule of property that applies to them can be found. — If ſuch a perpetual property remains in an author, and his right continues after publication, I cannot conceive what ſhould hinder him from the full exerciſe of that right in what manner he pleaſes: he may ſet the moſt extravagant price he will upon the firſt impreſſion, and refuſe to print a ſecond when that is ſold. If he has an abſolute controul over his ideas when publiſhed, as before, he may recal them, deſtroy them, extinguiſh them, and deprive the world of the uſe of them ever after: his forbearing to reprint is no evidence of his conſent to abandon his property, and leave it as a derelict to the public.

But it is ſaid, that the ſale of a printed copy is a qualified or conditional ſale; and that the purchaſer may make all the uſes he pleaſes of his book, except that one of reprinting it. But where is the evidence of this extraordinary bargain? or where the analogy of law to ſupport the ſuppoſition? In all other caſes of purchaſe, payment tranſfers the whole and abſolute property to the buyer: there is no inſtance where a legal right is otherwiſe transferred by ſale, no example of ſuch a ſpeculative right remaining in the ſeller. It is a new and metaphyſical refinement upon the law; and laws, like ſome manufactures, may be drawn ſo fine as at laſt to loſe their ſtrength with their ſolidity. — When printing was firſt introduced, Cardinal Wolſey warned K. Henry VIII. to be cautious how he encouraged it, as a matter which might be dangerous to the ſtate. The event, however, did not prove it ſo; and therefore the ſtatute 21ſt of James I. excepted it, as a reaſonable and allowable monopoly.

The ſubſequent licenſing act gave only an adventitious right; and thus it reſted till the ſtatute of Q. Anne. The ſtatute certainly recogniſes no common-law right; *hinc illæ lachrymæ!* Nor can I ſuppoſe this omiſſion happened through ignorance or inadvertence, when I ſee ſuch great law-names as Holt, Cooper, Harcourt, Somers, &c. in the liſt of that parliament.

If ſuch a right exiſted at common law, and it remained unimpeached by that ſtatute, why that anxiety in authors and booksellers afterwards to obtain another ſanction for their property? whence thoſe different applications to parliament, in the years 1735, 1738, 1739, for a longer term of years, or for life, in this kind of property; and afterwards to get an act to prohibit the liberty of printing books in foreign kingdoms, and ſending them back again? The truth is, the idea of a common-law right in perpetuity was not taken up till after that failure in procuring a new ſtatute for an enlargement of the term. If (ſay the parties concerned) the legiſlature will not do it for us, we will do it without their aſſiſtance: and then we begin to hear of this new doctrine, the common-law right; which, upon the whole, I am of opinion, cannot be ſupported upon any rules or principles of the common law of this kingdom.

The Chief Juſtice anſwered the firſt queſtion in the affirmative; the ſecond and fourth in the negative; and the third and fifth in the affirmative.

Thus all the judges delivered their opinions, except Lord Mansfield, who declined ſpeaking as a judge. — Of the eleven whoſe opinions are given above, ſix were for the reſpondents, viz. the Chief Baron Smythe, the Judges Aſhurſt and Blackſtone, and the Juſtices Nares, Willes, and Aſton; and five for the appellants, viz. the Chief Juſtice De Grey, the Barons Eyre, Perrot, and Adams, and Juſtice Gould. — Juſtice Gould was of opinion, that there was a common-law right, but that the act of Q. Anne took it away; — Baron Adams, on the other hand, that there was no common-law right; and that, conſequently, the act of Q. Anne took no ſuch right away.

Our readers have now an opportunity of comparing the reaſonings of the Scottiſh and Engliſh judges [9. 65. 185.] on a very intricate queſtion.

[*To be continued.*]

Proceedings

GENERAL FRASER.

A Petition of Maj.-Gen. Simon Fraſer was offered by the Attorney-General to be preſented to the Commons, Feb. 28. Lord North, by the King's command, acquainted the Houſe, that his Majeſty having been informed of the contents of the petition, gave his conſent, and recommended the petition to the conſideration of the Houſe. Then the petition was read, ſetting forth, That by an act 25° Geo. II. *for annexing certain forfeited eſtates to the crown* [xiv. 161.], all the eſtates which became forfeited by the attainder of Simon late Lord Lovat were unalienably annexed to the crown; that, ſenſible as the petitioner is of the propriety of that act, he hopes his particular caſe will appear to the Houſe ſo diſtinguiſhed from others as that it may be made an exception; that in 1747 proof was brought before parliament of the means uſed to involve the petitioner in the late unnatural rebellion, at an age which made it impoſſible for him to reſiſt ſuch means; that for ſome time before the attainder of Simon Lord Lovat, his eſtates were ſettled by a deed of entail, which came to trial before the court of ſeſſion in Scotland, and upon which the judges were ſo divided in opinion, that the eſtate was determined to be forfeited by a majority of one voice only; and though ſome of the ableſt counſel in England adviſed an appeal from that judgement, yet no appeal was brought, in deference to the views which government then entertained with reſpect to ſuch eſtates, and in hopes that time would afford an opportunity to the petitioner of recommending his caſe to the public favour; that the petitioner having been ſent to Glaſgow at ten years of age, was from that time always educated under maſters the moſt diſtinguiſhed for zeal and attachment to the conſtitution and government of this country; and he proved his adherence to the principles of that education, by rejecting the offer of a regiment in the French ſervice immediately after the rebellion, when he had nothing to rely on but the hope he entertained of becoming a uſeful ſubject of this country, by dedicating his life to its ſervice; that he took the earlieſt opportunity of ſoliciting to be employed at the beginning of the laſt war, and was ſoon after called upon to quit a profeſſion which he had embraced as the moſt independent ſituation in time of profound peace; that he raiſed in a few weeks 1800 men [xix. 55. 259. 375.], and had the honour to command a regiment compoſed of them, with which he ſerved during the courſe of the war in America; and it was his good fortune to be the firſt who offered to ſet that example which in its conſequences proved advantageous to the ſtate, by calling forth from a corner of the kingdom many thouſand ſoldiers, who, in every quarter of the globe, contributed to the glory and ſucceſs of that war [xxviii. 170.]; that the petitioner has arrived at the rank of Major-General in his Majeſty's ſervice, and, ſince the peace, has been employed, by his Majeſty's commands, in the ſervice of a power whoſe alliance this country has always deemed important; and therefore praying for leave to bring in a bill, to enable his Majeſty to grant to the petitioner the eſtate which belonged to the ſaid Simon Lord Lovat, and which was annexed to the crown by the act 25° Geo. II. ſubject to ſuch annual quit-rent as to the Houſe ſhall appear juſt and reaſonable.

Mr T. Townſhend ſaid, he had no objection, as this was a particular caſe, but he ſhould be againſt its being made a precedent.

The petition was referred to a committee; and the Houſe went into a committee upon it on the 4th of March. The report was immediately received; and leave was given to bring in a bill, to enable his Majeſty to grant unto Maj.-Gen. Simon Fraſer the lands and eſtates of the late Simon Lord Lovat, upon certain terms and conditions; and Mr Cooper, Mr Attorney-General, Mr Frederick Montagu, Sir William Meredith, Mr Thomas Townſhend junior, Mr Ellis, Mr Dowdeſwell, Sir Gilbert Elliot, and the Lord Advocate of Scotland, were ordered to prepare and bring it in.

Mr Cooper preſented the bill on the 7th, and it was then read a firſt time. It was read a ſecond time on the 14th, and committed for that day ſe'ennight. The Houſe went into a committee upon the bill on the 21ſt, and made ſeveral amendments; which, on report, next day, were agreed to; and the bill, with the amendments were ordered to be ingroſſed.

It was read a third time, and paſſed, on the 23d; and the Lord Advocate was ordered to carry it to the Lords.

The bill went through all the forms in the Houſe of Lords ſo ſpeedily as to receive the royal aſſent on the 31ſt. [161.]

Air Bank.

A Petition of the Dukes of Buccleugh and Queenſberry & Dover, in behalf of themſelves and other copartners of the bank of Douglas Heron & Comp. was preſented to the Commons, Feb. 25. ſetting forth — [as recited in the preamble to the act, 197.]; and that the petitioners intend to iſſue bonds for a ſum not exceeding 500,000l. and not under the ſum of 50l. in each bond, for redeeming their annuities [xxxv. 668.]; therefore praying that leave might be given to bring in a bill for thoſe purpoſes.

The petition was referred to a committee. The Lord Advocate of Scotland gave in the report on the 1ſt of March, and leave was given to bring in a bill, to be prepared by the Lord Advocate, Mr Dempſter, Sir Thomas Frankland, Sir Lawrence Dundas, Mr Lewis, Mr Gilbert, and Mr Peregrine Cuſt.

The Lord Advocate preſented the bill on the 8th of March. Several amendments were made in the committee.

On the 25th of March, before the third reading, a petition of the Eaſt India company was preſented; ſetting forth, That the bill to enable the bank of Air to iſſue 500,000l. in bonds of 50l. each, to be rendered to all intents and purpoſes negotiable and vendible like Eaſt-India bonds, navy and exchequer bills, but intended to bear an intereſt of five per cent. would, if paſſed into a law, moſt materially affect and prejudice the intereſt and credit of the petitioners, by reducing the value of their bonds, which now are iſſued at an intereſt of three per cent. only; and therefore praying that they might be heard by counſel againſt the bill. — It was ordered, that the petitioners be allowed to be heard by their counſel at the third reading of the bill, if they think fit.

A petition of certain merchants, bankers, and traders, of London, was preſented on the 28th; ſetting forth [as above]; and alledging, that if the bill ſhould paſs, it would be highly injurious to the trading part of this country, and depretiate the value of the national funds; and therefore praying, that they might be heard by counſel againſt ſo much of the bill as renders the bonds bearing five per cent. intereſt negotiable like exchequer-bills or Eaſt-India bonds. — The petition was ordered to lie on the table.

Then the order of the day for the third reading of the bill was read. The counſel for the Eaſt-India company, Meſſ. Adair and Fuller, againſt the bill, were called in, (no counſel appearing for the bill), and heard; and then directed to withdraw.

Several members ſpoke. — Mr Fuller ſaid, That the bill was of a dangerous tendency; that it was giving the perſons concerned in the Air bank a greater privilege than ever was granted before; that the Houſe ought to be very careful how they granted ſuch things; that they laſt year granted a lottery to Mr Cox, and another to the Meſſ. Adams; that both were like to be attended with very fatal conſequences, and the latter had proved itſelf to be bad; he therefore would give his hearty negative to the bill.

Lord Beauchamp ſpoke in favour of the bill. He ſaid, That the bonds to be circulated would not in the leaſt hurt the ſale of thoſe of the India company.

Lord Herbert was in favour of the bill.

Mr Ongley was greatly againſt the bill. He ſaid, That the Air bank had wantonly and unprecedentedly extended their credit far beyond what they could ſupport; that they then endeavoured to redreſs their grievances by borrowing money at any rate; and that he looked upon them to be as bad as uſurers.

Mr C. Fox ſaid, That the Hon. Gentleman was the firſt perſon he ever heard term a borrower a uſurer; that the India company had no reaſon to be afraid of their bonds not paſſing ſo current as before, for theſe new bonds could never affect them, as India bonds would always have the preference, becauſe they could at any time be paid in upon the company at par on their ſales.

Mr Cornwall ſpoke greatly againſt the bill. He ſaid, That it was founded upon bad prineiples, and would hurt the India company, and other merchants, much more than was foreſeen at preſent.

Mr Wedderburne entered into the forms of the law of Scotland. He ſaid, That they were erroneous; that they differed much from thoſe of England; that he could wiſh this bill to paſs, as it was a very neceſſary bill for the extrica-

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ting of Noble perſonages (the Dukes of Buccleugh and Queenſberry) who had engaged a great part of their eſtates in this undertaking.

The Lord Advocate went through the whole of the bill, and mentioned the diſtreſs that public credit was in in the year 1772; that by a long and continued run upon the Air bank, it was drove to great inconveniencies; that ſo large a run upon any bank would oblige it to ſtop; but the Noble perſonages concerned in this undertaking would not ſtop payment, becauſe they knew it would involve hundreds of others in their calamity; that on that account they borrowed money at ſo extravagant a rate.

Capt. Phipps entered into the whole of the bill; ſet forth the dangerous conſequence it was of; that it would undoubtedly hurt the India company, and that it was raiſing ſo much money upon the public. He ſaid he ſhould give his hearty negative to the bill paſſing, as it was founded on one of the worſt principles he ever knew.

Gov. Johnſton ſaid, he did not think the bill would have the effect upon India bonds that was imagined; for he did not think thoſe new bonds would ever bear a premium, neither would people be fond of purchaſing them.

The other ſpeakers were Mr Dempſter, Mr Oliver, &c.

The queſtion being put, "That this bill do paſs," the Houſe divided: Ayes 176, Noes 36.

The words *more effectually*, in the beginning of the title, were added at the third reading.

The Lord Advocate was ordered to carry the bill to the Lords. — By whom it was returned, without any amendment, on the 30th.

The bill received the royal aſſent next day [161.].

We give an abſtract of the act, viz.

An act for more effectually carrying into execution certain propoſals, made by the Moſt Noble Henry Duke of Buccleugh, the Moſt Noble Charles Duke of Queenſberry and Dover, and others, for redeeming the annuities granted by the company of the bank of Air, in Scotland, known under the firm of Douglas Heron and Company.

Preamble. Whereas Henry Duke of Buccleugh, Charles Duke Queenſberry and Dover, Patrick Earl of Dumfries, Archibald Douglas of Douglas, Eſq; and a conſiderable number of other perſons, did, in 1769 [xxxiv. 304.], enter into a partnerſhip, and ſubſcribe a capital of 160,000l. or thereabouts, for carrying on the buſineſs of banking in Scotland, under the firm of *Douglas Heron and Company*, with intention chiefly of improving manufactures and agriculture, by accommodating and extending the credit of the manufacturers and farmers of that part of the kingdom: And whereas, by too great an enlargement of the credit given, the partnerſhip did, in June 1772 [xxxiv. 313.], come to be in great want of money to ſatisfy the demands made upon them, owing to the check given to credit by the many bankruptcies that happened at that time in different parts of this kingdom: And whereas the copartners in the ſaid company, in order to raiſe money to ſatisfy the demands made upon them, and thereby prevent the bankruptcy of many, which their ſtopping payment would neceſſarily have occaſioned, did raiſe, on granting annuities for one and two lives, [xxxv. 668.], the ſum of 450,000l. and upwards, ſubject to a power given by the purchaſers of the ſaid annuities, by verbal agreement, for the copartners to redeem the ſaid annuities, by repaying the original money given for them, and a half year's annuity more as a premium for ſuch power of redemption: And whereas the ſaid copartners, in order to extricate their affairs, and to enable them to redeem thoſe annuities, did, at a general meeting held on the 12th of Auguſt 1773 [xxxv. 443.], reſolve to diſcontinue the banking-buſineſs, and appointed the following twelve partners, or any three of them, to be a committee, with power to do every thing neceſſary for managing and winding up the affairs of the partnerſhip that could be done by a general meeting, viz. Henry Duke of Buccleugh, Charles Duke of Queenſberry and Dover, Archibald Douglas of Douglas, John Hamilton of Sundrum, Alexander Ferguſſon of Craigdarroch, Hay Campbell, David Ferguſon, Alexander Wight, John Campbell, Andrew Croſbie, George Home, and Alexander Macconochie, Eſqs: And whereas, at another meeting of the copartners, held on the 21ſt of December 1773 [xxxv. 668.], two were added to the ſaid committee, viz. Thomas Lockhart, Eſq; commiſſioner of excife, and John Syme writer

to

to the ſignet, any five of the committee to be a quorum; And whereas the committee did call a meeting of the annuitants on the 9th of February 1774, and deliver to them in writing the following propoſals,

1. That the committee do execute bonds of 50l. each, ſome few broken ſums excepted, to the amount of the original ſums paid for the annuities, with the addition of half a year's purchaſe, or 50l. more, on every annuity of 100l.; and *pro rata* for every greater or leſſer annuity; the committee binding themſelves, and their heirs and executors, and having a power to bind all the partners of the company, to the due performance of the obligations in the bonds;

2. That theſe bonds, carrying an intereſt of five per cent. be made payable to a perſon named, his executors, adminiſtrators, or aſſigns, by indorſement, and rendered negotiable and vendible, like Eaſt-India bonds, navy and exchequer bills, or any effects of a ſimilar nature;

3. That as the principal of the bonds, the premium of redemption included, is eſtimated nearly at 480,000l. the intereſt thereon at five per cent. is 24,000l. per ann.; that ſpecific eſtates in land unentailed in Scotland, to the clear amount in rent of 32,000l. per ann. or upwards, be ſubjected by mortgage as a corroborative ſecurity for the diſcharge of the principal and intereſt of the bonds; i. e. of the intereſt every half-year in London; and of the principal by four inſtalments, one fourth at Midſummer each of the years 1778, 1779, 1780, and 1782;

4. That the care of inveſtigating the titles and values of the ſaid eſtates in lands, and of executing the ſecurities in due form, be left to James Montgomery, Eſq; Lord Advocate, and Henry Dundas, Eſq; Solicitor-General, of Scotland, with the approbation and under the inſpection of Alexander Wedderburn, Eſq; Solicitor-General of England, and Joſeph Banks, of Lincoln's Inn, Eſq; upon the recent precedent of a ſimilar tranſaction, when a loan of 80,000l. was furniſhed to the ſaid company on the ſecurity of other landed eſtates, under the care and by the advice of the ſame learned gentlemen;

5. That after the ſaid landed eſtates, to the amount, in rent, of 32,000l. per ann. or ſo much thereof as ſhall be adequate to the claims of ſuch annuitants as ſhall ſubſcribe their aſſent to theſe propoſals, ſhall have been approved of by the ſaid four learned gentlemen, the mortgage-deeds, called *heritable bonds* in Scotland, ſhall be made out, and aſſigned to Sir William Henry Aſhurſt, one of the judges of the king's-bench, the ſaid Lord Advocate and Solicitor-General of Scotland, Solicitor-General of England, and Joſeph Banks, and Richard Glover, and Alexander Macconochie, Eſqs, or to any other perſons in Scotland or England, in number more or leſs, at the election of the annuitants themſelves, as truſtees for holding the ſaid eſtates, in behalf of the annuitants, for the due performance of the obligations in the bonds, which are to be ſubſtituted in lieu of the annuities;

6. That in caſe any number of the annuitants ſhall accept of theſe offers, and of the before-named ſeven perſons as truſtees, it is deſired, that they will appoint three or five gentlemen of their own body, to inſpect all the proceedings, and to report at a public meeting to be called by the inſpectors;

7. That when the premiſſes above mentioned ſhall have paſſed the regular forms, and the holders of annuities ſhall be put in poſſeſſion of bonds, to the amount of 750l. for an annuity of 100l. on one life, and 850l. for an annuity of 100l. on two lives, and *pro rata* for every greater or leſſer annuity; and when they ſhall have received, in money, whatever is due for the annuities down to the date of the new bonds; then the old bonds, and judgements or other ſecurities by which they claimed their annuities, ſhall be given up;

8. That in caſe any of the annuitants who ſhall aſſent to theſe propoſals ſhould die before the final execution of the ſame, all the benefit thereof ſhall remain to their heirs and executors. But if the propoſals ſhould not be made good, the preſent annuitants ſhall remain in the ſame ſtate they now are;

9. That parliament ſhall be applied to for an act, under whoſe ſanction and authority the bonds may be lawfully iſſued:

And whereas the annuitants preſent did unanimouſly agree to the propoſals, and many others have agreed ſince, and approved of the truſtees named in the 5th article, and in conformity with the 6th, appointed Sir Thomas Frankland, Bt, Martin Bladen Hawke, George Dempſter, Peregrine Cuſt, and Daniel Giles, Eſqs, to be their inſpectors:

And whereas it would greatly facilitate the redeeming the annuities, if the committee

committee were enabled to iſſue bonds as aforeſaid: but it being apprehended, that the ſame cannot be rendered effectual without the authority of parliament, —may it therefore pleaſe your Majeſty that it may be enacted, &c.

§ 1. It ſhall be lawful for — [the fourteen Lords and Gentlemen of which the committee conſiſts] — or any five of them, (of which the ſaid Henry Duke of Buccleugh, Charles Duke of Queenſberry and Dover, and Archibald Douglas of Douglas, Eſq; or any two of them, or the ſurvivor of them, ſhall be three, two, or one, as the caſe may happen), to execute and iſſue bonds for the payment of any ſum or ſums, not exceeding in the whole 500,000 l. for redeeming the annuities ſo granted by Douglas Heron & Co. or for raiſing money thereon for redeeming the ſaid annuities, or any part thereof, each of which bonds ſhall not be for ſecuring leſs than 50 l. and intereſt; and ſhall be conceived — [A form of the bonds is here inſerted] — which bonds ſhall be numbered, N° 1. and ſo proceeding in arithmetical progreſſion; and ſhall be entered in a book to be kept by Kenneth Mackenzie, Eſq; without fee or reward, or by ſuch other perſon as ſhall be appointed by the inſpectors, and ſhall be approved by one of the inſpectors.

2. Provided, That prior to the iſſuing of the bonds, heritable ſecurity ſhall be granted to the ſeven truſtees aforementioned, in truſt, in terms of the propoſals.

3. Enacted, That all bonds to be given by — [the fourteen Lords and Gentlemen of which the committee conſiſts] — or any five of them, (of which the ſaid Henry Duke of Buccleugh, Charles Duke of Queenſberry and Dover, and Archibald Douglas of Douglas, Eſq; or any two of them, or the ſurvivor of them, ſhall be three, two, or one, as the caſe may happen), ſhall be upon parchment or paper with a ſtamp of 2 s. 6 d. and ſhall be aſſignable by indorſement upon the original bond without ſtamps, to any perſon or perſons, and ſuch bonds may in like manner be again aſſignable by indorſement, without ſtamps, as aforeſaid, and ſo *toties quoties* as often as occaſion ſhall require; and that the indorſees may bring any ſuits, at law, or in equity, againſt the perſons giving ſuch bonds, or any of them, or any of the copartners, or any of their heirs, executors, or adminiſtrators, for recovery of the ſums due, and the intereſt, as fully and effectually as though the bonds had been originally entered into to the indorſees.

4. Provided, That the bonds ſhall not be negotiable or transferable by indorſement after the 24th of June 1782.

5. Provided alſo, That nothing in this act ſhall affect any queſtions that have ariſen or may ariſe between the different partners of the company.

6. Enacted, That theſe bonds ſhall, notwithſtanding the heritable bonds and real ſecurity to be given in truſt as aforeſaid, be held to be perſonal or moveable eſtates, and ſhall belong to the executor, or adminiſtrator, or perſonal repreſentative, and not to the heir, of the creditor, and may be diſpoſed of by deed or will, in the ſame manner as any other perſonal eſtate is diſpoſed of or tranſmitted in Scotland or England.

7. Enacted, That this act ſhall be deemed, in all courts in England and Scotland, to be a public act.

To take creaſes and crumples out of parchments. [xxxiv. 656. xxxv. 699.]

TAke a piece of ſilk ſomewhat larger than the chart, ſtrain it tight upon a board or table, and confine it all round with ſmall nails; when this is done, bruſh ſome ſtrong paſte over it; then bruſh a little paſte over the back of the chart, and lay it immediately upon the ſilk, and preſs it down ſmooth with a dry ſoft cloth, beginning at the middle, and continuing to preſs all round to the outſides, to prevent its bliſtering; the quicker it is dried afterwards the better, provided it is not forced with heat.

As ſoon as it is quite dry, rub a little powdered whiting upon the uncoloured parts with your fingers, working it well into the vellum: this will make it look freſh and new. Laſtly, cut off the ſilk round the edges of the chart, and bind it with a narrow ſilk riband; it will afterwards continue ſmooth, and may be rolled round a ſtick without any danger of its ſhrinking.

The chart may be paſted upon a piece of very fine linen inſtead of ſilk, and will look very well. Peculiar care muſt be taken that every thing uſed in the operation is perfectly clean.

Chippenham. W. S.

N. B. I have tried a warm iron upon vellum, when it has not been previouſly paſted upon ſilk or linen, and have known it tried by others; but never with any good ſucceſs; for the heat always made the vellum ſhrink unequally. *Gent. Mag.*

Letters written by the late Rt Hon. Philip Dormer Stanhope, Earl of Chesterfield, to his ſon Philip Stanhope, Eſq; late envoy-extraordinary at the court of Dreſden: together with ſeveral other pieces on various ſubjects. Publiſhed by Mrs Eugenia Stanhope, from the originals now in her poſſeſſion. 4to. 2 vols. 2*l.* 2*s. boards.* Dodſley.

FEW characters, among the nobility of this age, and nation, are better known than that of the late ingenious and witty Earl of Cheſterfield; who was alike diſtinguiſhed in the polite, the political, and the learned circles. He was not, perhaps, what ſome one has ſtyled a *deep genius*, but he certainly had a great portion of good ſenſe, and lively parts; he had a perfect knowledge of mankind; he was a complete gentleman, and a delightful companion. In fine, he poſſeſſed thoſe rare talents and amiable qualities which could not fail of procuring him the admiration and the love of all who had the happineſs of enjoying his friendſhip, or ſharing his converſation. To his gaiety of diſpoſition, his engaging manners, his happy tenor of life, and chearful old age, we may not unaptly apply (with a ſlight variation of a word or two) his friend Pope's verſes on Monſ. Voiture:

Who, wiſely careleſs, innocently gay,
Chearful, could play the trifle Life away;
'Till fate ſcarce felt his gentle breath ſuppreſs'd,
As ſmiling infants ſport themſelves to reſt.

Of his Lordſhip's literary talents, the world hath had various ſpecimens, in thoſe fugitive performances, which, tho' anonymous, have been aſcribed to him on ſufficient authority; but theſe talents are more amply diſplayed in the collection of Letters now before us.

Theſe Letters are very properly introduced to the reader's attention, by the lady* to whom the public is obliged for their publication.

"The death of the late Earl of Cheſterfield [ſays the Fair Editor] is ſo recent, his family, his character, and his talents ſo well known, that it would be unneceſſary to attempt any account of his Lordſhip's life. But as theſe Letters will probably deſcend to poſterity, it may not be improper to explain the general ſcope of them, and the reaſon that induced him to write on the ſubject of education.

It is well known, that the late Earl of Cheſterfield had a natural ſon [xxxv. 288.], whom he loved with the moſt unbounded affection, and whoſe education was, for many years, the chief engagement of his life. After furniſhing him with the moſt valuable treaſures of ancient and modern learning, to thoſe acquiſitions he was deſirous of adding that knowledge of men and things, which he himſelf had acquired by long and great experience. With this view were written the following Letters; which, the reader will obſerve, begin with thoſe dawnings of inſtruction adapted to the capacity of a boy, and riſing gradually by precepts and monitions calculated to direct and guard the age of incautious youth, finiſh with the advice and knowledge requiſite to form the man, ambitious to ſhine as an accompliſhed courtier, an orator in the ſenate, or a miniſter at foreign courts.

In order to effect theſe purpoſes, his Lordſhip, ever anxious to fix in his ſon a ſcrupulous adherence to the ſtricteſt morality, appears to have thought it the firſt, and moſt indiſpenſable object,—to lay, in the earlieſt period of life, a firm foundation in good principles and ſound religion. His next point was, to give him a perfect knowledge of the dead languages, and all the different branches of ſolid learning, by the ſtudy of the beſt ancient authors; and alſo ſuch a general idea of the ſciences, as it is a diſgrace to a gentleman not to poſſeſs. The article of inſtruction with which he concludes his ſyſtem of education, and which he more particularly enforces throughout the whole work, is the ſtudy of that uſeful and extenſive ſcience, the knowledge of mankind: in the courſe of which appears the niceſt inveſtigation of the human heart, and the ſprings of human actions. From hence we find him induced to lay ſo great a ſtreſs on what are generally called accompliſhments, as moſt indiſpenſably requiſite to finiſh the amiable and brilliant part of a complete character.

It would be unneceſſary to expatiate on the merits of ſuch a work, executed by ſo great a maſter. They cannot but be

* The widow of the gentleman to whom the letters were addreſſed.

be obvious to every person of sense; the more, as nothing of this sort has (I believe) ever been produced in the English language. The candour of the public, to which these Letters appeal, will determine the amusement and instruction they afford. I flatter myself, they will be read with general satisfaction; as the principal, and by far the greater part of them, were written when the late Earl of Chesterfield was in the full vigour of his mind, and possessed all those qualifications for which he was so justly admired in England, revered in Ireland, and esteemed where-ever known.

Celebrated all over Europe for his superior talents as an epistolary writer, for the brilliancy of his wit, and the solidity of his extensive knowledge, will it be thought too presumptuous to assert, that he exerted all those faculties to their utmost, upon his favourite subject — education? and that, in order to form the mind of a darling son, he even exhausted those powers which he was so universally allowed to possess?

I do not doubt but those who were much connected with the author during that series of years in which he wrote the following Letters, will be ready to vouch the truth of the above assertion. What I can, and do ascertain, is, the authenticity of this publication; which comprises not a single line that is not the late Earl of Chesterfield's.

Some perhaps may be of opinion, that the first letters in this collection, intended for the instruction of a child, then under seven years of age, were too trifling to merit publication. They are, however, inserted by the advice of several gentlemen of learning, and real judgement; who considered the whole as absolutely necessary to form a complete system of education. And indeed the reader will find his Lordship repeatedly telling his son, that his affection for him makes him look upon no instruction which may be of service to him, as too trifling or too low; I, therefore, did not think myself authorised to suppress what to so experienced a man appeared requisite to the completion of his undertaking. And, upon this point, I may appeal more particularly to those, who, being fathers themselves, know how to value instructions, of which their tenderness and anxiety for their children, will undoubtedly make them feel the necessity. The instructions scattered throughout those Letters, are happily calculated,

To teach the young idea how to shoot,

to form and enlighten the infant mind upon its first opening, and prepare it to receive the early impressions of learning, and of morality. Of these, many entire letters, and some parts of others, are lost; which, considering the tender years of Mr Stanhope, at that time, cannot be a matter of surprise, but will always be one of regret. Where ever a complete sense could be made out, I have ventured to give the fragment. ——

The letters written from the time that Mr Stanhope was employed as one of his Majesty's ministers abroad, although not relative to education, yet as they continue the series of Lord Chesterfield's Letters to his Son, and discover his sentiments on various interesting subjects of public as well as private concern, it is presumed they cannot fail of being acceptable to the public. To these are added some few detached pieces, which the reader will find at the end of the second volume. The originals of those, as well as of all the Letters, are in my possession, in the late Earl of Chesterfield's hand-writing, and sealed with his own seal." M.

A new system; or, An analysis of Ancient Mythology. Wherein an attempt is made, to divest tradition of fable, and to reduce the truth to its original purity. By Jacob Bryant. 2 vols. 4to. 2 l. 4 s. boards. Elmsly.

THE writings of Moses are valuable on many accounts; but particularly, as they are the most ancient remains of antiquity; as they carry with them all the marks of probability and truth, exclusive of their divine authority; and contain the only authentic history which the world perhaps has ever seen, of the creation, and the primeval ages.

Moses conducted the Israelites out of Egypt about the year of the world 2453, 1495 years before the birth of Christ. At that time, and for several centuries afterwards, there were no writers, or, however, no credible historians, in any other nation. Sanchoniathon, as Suidas thinks, lived a considerable time after the Trojan war. The records which he is said to have copied, are not worthy to be considered in the light of true history. Supposing the fragments which are ex-

tant under his name to be genuine, they ſeem to be nothing but traditionary fables, or pieces of mythology. Take the account which is given of this writer by Philo Byblius: "It was the good fortune of Sanchoniathon to light upon ſome ancient Amonian records, which had been preſerved in the innermoſt part of a temple, and known to very few. Upon this diſcovery he applied himſelf with great diligence to make himſelf maſter of the contents; and having, by diveſting them of the FABLE and ALLEGORY with which they were obſcured, obtained his purpoſe, he brought the whole to a concluſion." *Euſeb. Præp. Evang. lib.* 1. *cap.* 9. The original records were *fabulous* and *allegorical:* it is therefore hardly poſſible to conceive how they could be the baſis of true hiſtory. Manetho lived under Ptolemy Philadelphus, ant. Chr. 280: Beroſus, about the ſame time, under Antiochus Soter, or his ſon Antiochus Theos; and not in the time of Moſes, as ſome have imagined. Homer flouriſhed about 948 years before the Chriſtian æra; 233 years after the deſtruction of Troy. Heſiod before Chriſt 800. Solon and the ſeven wiſe men wrote in verſe 620. Till thoſe days, as Sir Iſaac Newton obſerves, the Greeks wrote only in verſe; and while they did ſo, there could be no chronology, nor any other hiſtory, than ſuch as was mixed with poetical fictions. Pliny, in reckoning up the inventors of things, tells us, that "Pherecydes Syrius began to compoſe diſcourſes in proſe, and Cadmus Mileſius to write hiſtory, in the reign of Cyrus;" that is, ant. Chr. 540 years. In another place he ſays, "Cadmus Mileſius was the firſt who wrote in proſe." Herodotus flouriſhed about the year 441.; Thucydides fifteen or twenty years after Herodotus.

There were then above 3500 years elapſed ſince the creation of the world, and, excepting the Jewiſh hiſtory, no authentic records of any conſequence exiſting. It is generally allowed, that if we go beyond the Olympiads, ant. Chr. 774. we deſcend into a labyrinth, where every thing is involved in darkneſs and confuſion. It is only ſince that famous period, that we begin to diſcover ſome little intervals of light. Here, according to Varro, and other writers, the fabulous ages terminate, and the hiſtorical times commence. But we are perſuaded, that the fabulous ages extend to a later period.

Hiſtorians, as well as poets, in treating of thoſe early times, make up in fiction what they want in hiſtorical information: or, to uſe the beautiful illuſtration of Plutarch, *in vit. Sol.* "as geographers thruſt into the extremities of their maps thoſe countries which are unknown to them, at the ſame time remarking, that all beyond is hills of ſand, and haunts of wild beaſts, frozen ſeas, marſhes, and mountains, which are inacceſſible to human courage or induſtry; ſo when we paſs thoſe periods of time which may be deſcribed with probability, and where hiſtory may find firm footing in fact, all is full of prodigy and fiction, the region of poets and fabuliſts, wrapt up in clouds, and impenetrable darkneſs."

The Greeks, either out of ignorance miſtook, or out of an affectation of being thought to have deſcended from ſome divine original, induſtriouſly concealed their genealogies, and obſcured their ancient hiſtories with idle tales and poetical fictions. In a courſe of years their hiſtory was ſo vitiated by the ſtories of their gods, demigods, and heroes, that it became a mere ſyſtem of romance.

"The mythology of Greece," ſays the learned Mr Bryant, "is a vaſt aſſemblage of obſcure traditions, which have been tranſmitted from the earlieſt times. They were deſcribed in hieroglyphics, and have been veiled in allegory: and the ſame hiſtory is often renewed under a different ſyſtem and arrangement. A great part of this intelligence has been derived to us from the poets; by which means it has been rendered ſtill more extravagant and ſtrange. We find the whole, like a groteſque picture, blazoned high, and glaring with colours, and filled with groups of fantaſtic imagery, ſuch as we ſee upon an Indian ſcreen; where the eye is painfully amuſed; but whence little can be obtained which is ſatisfactory, and of ſervice. We muſt, however, make this diſtinction, that in the allegorical repreſentations of Greece there was always a covert meaning, though it may have eſcaped our diſcernment. In ſhort, we muſt look upon ancient mythology as being yet in a chaotic ſtate; where the mind of man has been wearied with roaming over the crude conſiſtence without ever finding out

out one ſpot where it could repoſe in ſafety."

Yet wild and fantaſtic as this mythology may be, we muſt acknowledge, that it has an admirable effect in poetry, and is happily ſuited to the genius of the epopea. The univerſe is thereby animated with an infinite variety of ſupernatural beings, who carry on the epic action with amazing dignity and grandeur, affording the poet the moſt ſurpriſing, enchanting, and tremendous images.

The generality of readers may be ſatisfied with a ſuperficial idea of this viſionary ſyſtem, and even adopt it in the place of real hiſtory; but a philoſopher will throw aſide the veil of allegory and fiction, will ſtrip the gods and heroes of their poetical embelliſhments and diſguiſes, will endeavour to inveſtigate the ſources of error, and reduce every thing to plain hiſtorical truth.

The work which is now the object of our conſideration, is written with this view. The author's deſign is, to give an account of the firſt ages, and of the great events which happened in the infancy of the world; to compare ſacred hiſtory with profane; to rectify, as much as poſſible, what time has impaired; to point out the origin of all the rites and myſteries of the Gentiles; to diveſt mythology of every foreign and unmeaning ornament; and to diſplay the truth in its genuine ſimplicity. C.

LONDON.

Religion, Morality, Controverſy, &c.

A ſermon preached before the incorporated ſociety for the propagation of the goſpel in foreign parts, at their anniverſary meeting Feb 18. 1774. By Edmund Biſhop of Carliſle. 1 s. *Harriſon.* —— If the Chriſtian diſpenſation be really calculated for the higheſt improvement and happineſs of mankind, it may be aſked, why is it ſo ſlowly and ſo partially promulged? In the former part of this diſcourſe, the learned author ſuggeſts ſome obſervations, which afford a ſatisfactory anſwer to this queſtion. In the latter, he recommends ſome few precautions to the ſociety and their miſſionaries in the execution of their benevolent deſign. C.

The duelliſt, a bravo to God, and a coward to man; and therefore impoſſible to be "A man of honour." By the Rev. William Scot, M. A. 1 s. *Wilkie.* —— Conſiſts of extracts from South, Hildrop, and Delany, without any appearance of elegance or taſte in the compilation. C.

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The Friend; or, Eſſays inſtructive and entertaining for youth of both ſexes; on the moſt important ſubjects. Exemplified with ſtories from real life. 2 s. 6 d. *Snagg.* —— We cannot with certainty ſay, whether or not all theſe eſſays are collected from books, but ſome of them we recollect as old acquaintances. The editor ought to have explained this matter. The eſſays, however, are pretty, though not great; the ſubjects are important; and the leſſons inculcated, may be uſeful to young readers. M.

New reflections on the errors committed in both ſexes, before and after marriage. By a young lady. 1 s. *Bew.* —— We here meet with many juſt obſervations on the manners of the times. C.

The caſe of duelling conſidered, with reſpect both to the challenger and challenged. By Robert South, D. D. late prebendary of Weſtminſter. 6 d. *Nicoll.* —— Extracted from the ſermons of the famous Dr South. M.

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A diſſertation on the diſtinct powers of reaſon and revelation. By the Hon. and Rev. Spencer Cooper, D. D. Dean of Durham. 6 d. *Brown.* —— Agreeably written, ſenſible, well intended, and diſcovers the ſerious and pious temper of the late worthy

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fucius, and attract our reverence: but when we conſider it as a repreſentation of the form and figure of the SUPREME BEING, "whom no eye hath ſeen, or can ſee," we are ſhocked at the preſumption of the painter; and what was deſigned to raiſe our conceptions to the utmoſt height of ſublimity, tends only to excite an idea extremely derogatory to the infinite majeſty of the awful ſubject. — The painters have endeavoured to vindicate their practice of repreſenting divine beings under human figures; and have pleaded the authority of the Old Teſtament in general, and of Daniel's viſion in particular, chap. vii. 9. "I beheld till the thrones were caſt down, and the ANCIENT OF DAYS did ſit, whoſe garment was white as ſnow, and the hair of his head like the pure wool: his throne was like the fiery flame, and his wheels as burning fire." But how idle is it to quote ſuch figurative perſonifications, and from theſe examples to paint the inviſible God like an old Patriarch, with a long beard, which, at the beſt, is but the reſemblance of a man in the decline of life! M.

Obſervations on the diſcourſes delivered at the Royal Academy, addreſſed to the Preſident. 1 s. *Almon.* —— As warm an advocate for the Venetian as the Preſident could poſſibly be for the Bologneſe maſters. M.

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A new dictionary of French idioms: being a ſelect collection of ſeveral thouſand idiomatical phraſes moſt uſual in the beſt French writers, with the Engliſh adapted. By A. de Tremorrens. 1 s. *Harris.*

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A ſpecimen of Perſian poetry: or, Odes of Hafez, with an Engliſh tranſlation and paraphraſe. Chiefly from the *Specimen poeſeos Perſicæ* of Baron Reviſky. With hiſtorical and grammatical illuſtrations, and a complete analyſis, for the aſſiſtance of thoſe who wiſh to ſtudy the Perſian language. By John Richardſon, F. A. S. 5 s. 3 d. *Richardſon.* —— Mr Richardſon has not only beſtowed great pains in rendering the acquiſition of the Perſian tongue more eaſy to the ſtudent, but has alſo ſhewn, by his own example, what progreſs it is poſſible to make in that language by dint of application. C.

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[*Plays and Poetry deferred.*]

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fall of man till the incarnation of Chriſt, God was doing thoſe things that were preparatory to Chriſt's coming, and working out redemption, and were forerunners and earneſts of it; 2. That the ſpace of time from Chriſt's incarnation till his reſurrection was ſpent in procuring and purchaſing redemption; 3. That the time from the reſurrection of Chriſt to the end of the world, is all taken up in bringing about or accompliſhing the great effect or ſucceſs of that purchaſe.

A preſervative againſt the principles of infidelity; or, The nature and deſign of the Chriſtian religion, and the evidences of its truth and divine origin, ſtated in a plain familiar manner. By Alexander Duncan, D. D. Miniſter of Smailholm. 2s. 6d. boards. *Creech.* —— Deſigned, as the author ſays, to ſtate, in a plain intelligible manner, within a moderate compaſs, the nature of the Chriſtian religion, and ſome of the evidences whereby its truth and divine origin may be clearly proved.

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Verſes occaſioned by the death of Dr HAWKESWORTH. [xxxv. 616.]

PIlgrim! to this ſolemn ſcene
Whom chance or choice hath brought,
With penſive eye the ravage view,
Deſtructive Time hath wrought.

From Truth, that here reſiſtleſs ſpeaks,
Oh! turn thee not away;
Nor be a niggard of the tear
Which Pity bids thee pay.

Bethink thee of the awful hour
Of retribution near;
For ſoon, full ſoon, alike forgot,
Thou too ſhalt ſlumber here.

Misfortune's children aid, for thou
Perhaps that path ſhall tread;
Nor to the clamant wretch deny
That morſel thou mayſt need.

Reach forth Compaſſion's hand, to guide
Thoſe that from virtue ſtray;
For thro' the ſame perplexed world
Lies thy uncertain way.

Youth's monitor and Frailty's friend,
Doth here in ſilence reſt;
And every vain and earthly care
Is baniſh'd from his breaſt.

Nor this alone.—Cold is that heart,
Where Heaven's own image glow'd;
And ſilent is that tongue from which
Celeſtial wiſdom flow'd.

Dim is that eye, which wond'rous depths
Of Nature could explore;
And his pure energy of thought
Shall light the world no more.

Thro' mazy tales of ſoft diſtreſs
He led unthinking youth;
And flaſh'd on infidelity
The brighteſt beams of truth.

To point the ſhafts of ridicule,
He knew the happieſt art;
And in Religion's deareſt cauſe
To wake the feeling heart.

He bade Diſtreſs abandon Fear;
And ſenſe for faith forego;
And chearing Hope ſupport the while,
The weight of ev'ry woe.

From long oblivion and neglect
He call'd our harmleſs race,
And bade them occupy again
Their viſionary ſpace. *

* *See his elegant Fairy Tales in the Adventurer.*

Inveſted

Inveſted with our ancient rights,
Our ſpells and magic wand,
He taught our ſprightly train to move
At Virtue's kind command.

Lo! to the humbleſt of our tribe
What high beheſts are given;
To counteract all ill, and work
The purpoſes of Heaven!

And ah! will mortals of his worth
No frail memorial raiſe;
Nor ſend his fame to other lands,
In ſtrains of honeſt praiſe?

To the remoteſt verge of heaven
Could my weak voice extend,
In more than mortal ſtrains his praiſe
To other lands I'd ſend.

But ah! 'tis ſofter than the brook
That murm'ring ſteals along;
And fainter than at diſtance heard,
The beetle's nightly ſong.

My ſweeteſt notes, tho' taught to flow
Still ſweeter by my theme,
Could only ſoothe ſome love-lorn maid,
Or prompt ſome ſhepherd's dream.

Yet better ſhall thy matchleſs lore
Thy memory enſhrine,
The love that glow'd in ev'ry page,
The truth in ev'ry line.

And tho' no requiems to thy ſhade
Can Elferina ſing,
To deck thy bier I'll roſemary
And od'rous myrtle bring.

With ſorrow, ſuch as Fairies feel,
Thy aſhes I'll bedew;
And oft as Cynthia fills her horn,
Theſe obſequies renew.

The weeping willow, o'er thy tomb
Its bended head ſhall wave;
And cowſlip cups of freſheſt dew,
I'll ſprinkle on thy grave.

The glow-worm beaming thro' the wood,
Shall lend her ſilver light;
And from thy ſolitary bed,
The ſavage race affright.

With thiſtles and with pointed thorn
I'll fence it all around;
And every raſh unhallow'd foot
With lurking brambles wound.

Of ſnow-drop there, and primroſe pale,
The ſpotleſs leaves I'll ſtrow;
For this, to ſave thy fame, is all
That Elferine can do. *Edin. Mag.*

ODE to LOVE.

Omnia vincit amor, et nos cedamus amori. Virg.

LOve, thou ſoft, thou dear, thou charming
Conq'ror of the human mind,
Stealing on without alarming,
Wounding, and ſtill ſeeming kind;

Thy ſevereſt ſmart is pleaſing,
Gently thrilling thro' the heart;
Yet thoſe pleaſures too are teaſing
Which thy ſweeteſt bliſs impart.

Thou art arm'd with ſoft careſſes,
Arrows dipt in poiſon ſweet,
Arm'd with pow'r that ſteel ſurpaſſes;
Steel falls vanquiſh'd at thy feet.

Courage, Wiſdom, noble Honour,
Wit, and Learning too, muſt fall,
Pow'r, and Wealth, of pow'r the donor;
Love alone can conquer all.

Hence for thee the Soldier faces
Danger; thee the Poet ſings;
The grave Sage from ſtudy ceaſes,
And to thee his tribute brings.

Hence the Sailor, tempeſts roaring,
Mounts th' impetuous angry main;
Hence the Merchant, riches ſtoring,
Offers thee his golden gain.

Love rules over every nation,
Every region owns his ſway,
Realms and ſtates are his poſſeſſion,
Princes too his pow'r obey.

Ah! 'tis vain for me t'endeavour
To reſiſt ſuch pow'r as thine;
Love, o'er gen'rous minds thou'ſt ever
Reign'd; then let thee reign o'er mine.

He who ſordid arts deſpiſes,
Open, candid, kind, and free,
'Bove the ſelfiſh world who riſes;
He alone is dear to thee.

Then to thee the palm I render,
Singing thy triumphal ſtrain:
Thus I'm vanquiſh'd, thus ſurrender,
And I'll never ſtrive again.

Yes—I will, I'll make reſiſtance,
Love I'll never yield to thee,
Till you bring your kind aſſiſtance,
Making ANNA yield to me.

PHILOMUSUS.

EPITAPH on Dr GOLDSMITH.

By W. WOTY.

ADieu, ſweet Bard! to each fine feeling true,
Thy virtues many, and thy foibles few;
Thoſe form'd to charm e'en vicious minds, and theſe
With harmleſs mirth the ſocial ſoul to pleaſe.
Another's woe thy heart could always melt,
None gave more free, for none more deeply felt.
Sweet Bard, adieu! thy own harmonious lays
Have ſculptur'd out thy monument of praiſe:
Yes — there ſurvive to Time's remoteſt day,
While drops the buſt, and boaſtful tombs decay.
Reader! if number'd in the Muſes train,
Go tune the lyre, and imitate his ſtrain;
But if no Poet thou, reverſe the plan,
Depart in peace, and imitate the Man.

HI-

HISTORICAL AFFAIRS.

TURKY.

The new Sultan has ſignified his intention to all the foreign miniſters reſiding at the Porte, that he intends to keep up the good underſtanding ſubſiſting between his Sublime Highneſs and the European powers. In conſequence, a renewal of the treaties ſubſiſting between ſeveral of thoſe powers and the Porte have taken place.

His Sublime Highneſs has likewiſe given proofs of his regard to the trade of his country. He has given leave to bring all ſorts of merchandiſe from other countries, and taken off the prohibition of gold and ſilver ſtuffs and laces, which the ſhops were full of, and which have all been ſold off in a few days. He has ordered all the palaces and moſques to be repaired, and likewiſe all the public buildings that have been damaged by fire, and has revived ſeveral manufactures that have lain dormant. He has confirmed the toleration of the Jews, and the privileges of the Chriſtians, who are from henceforward allowed to wear cloaths of all colours except green, which is reſerved for a diſtinguiſhed claſs of Muſſulmen.

The Baſſas and Janiſſaries who created the uproar at the proclamation of the new Sultan [97.], were publicly executed, Feb. 17. and their heads ſtuck upon poles at the Seven Towers.

Since the Turkiſh and Ruſſian armies went into winter-quarters, we have been frequently aſſured, that both powers were deſirous of bringing about a peace, and were taking effectual meaſures to accompliſh that end. But the following accounts breathe none of theſe pacific intentions.

"*Conſtantinople, March* 3. Nothing ſerves more to ſhew the diſpoſition of the Grand Signior, with reſpect to the carrying on the war, than the following order, ſigned by his own hand, which has been tranſmitted to all the chief commanders of his ſeveral armies.

"By the deceaſe of the Emperor Sultan Muſtapha, my predeceſſor and brother, who, by divine providence, is paſſed to a ſtate of eternal bliſs, the empire and ſupreme command being come to me by right of heritage and ſucceſſion, my firſt buſineſs was, to enter the apartment where is kept the precious depoſit of Skhirchai-Scheriff, of the ſacred Mohamed-ab-Mouſtapha, in my Seraglio, or Imperial palace, comparable to Paradiſe; there imploring the interceſſion and ſpiritual aſſiſtance of this glorious Prophet, I raiſed my hands towards heaven, and prayed the Supreme Being to ordain the deſtruction and annihilation of the enemies of Truth, to pour down upon them ſome ſtriking vengeance, and to grant his grace to his True Believers to recover from them the countries wreſted from us.—It was not till after this ſolemn prayer, with the aſſent of the Magnificent Vizirs and Doctors of the Laws, and with the homage and ſubmiſſion of the officers of the ſeraglio, that I took poſſeſſion of the auguſt Ottoman Throne.—Renewing, therefore, the orders given in the time of my predeceſſor, I enjoin you, by the preſent ſupreme command, to make all military preparations and diſpoſitions with all the celerity poſſible, and to render yourſelf without delay to my imperial camp, at the head of a body of choſen troops, where, armed with courage and zeal, you are to ſpare neither danger nor trouble, for the ſervice of the ſtate and religion."

"*Conſtantinople, March* 6. The Grand Signior has iſſued orders for taking on a conſiderable number of hands in the founderies for caſting of cannon, anchors, ſhot, &c. Likewiſe in the dock yards, and rigging-houſes, to complete with all expedition the preparations which are making for maintaining the war againſt the Ruſſians with the utmoſt vigour. The armaments both by ſea and land will, on the ſide of the Turks, be more conſiderable this campaign than ever; and as the Emperor has taken every precaution to chuſe the beſt and moſt experienced officers, in all human probability ſomething deciſive may now be executed."

"*Conſtantinople, March* 18. The 10th of this month the Camaikan went with ſeveral great officers of the Porte to the arſenal, to haſten the departure of the ſquadron deſtined to cover Oczakow. The 14th the ſaid ſquadron came out of the docks, and now only waits a favourable wind to ſet ſail. It conſiſts of three ſhips of the line, ſix chebecks, and eight half-galleys. The Captain Pacha of the White ſea, is ſet out with two galleys for the Dardanelles."

"*Peterſburg, March* 31. Though ſome give out that a treaty is on the carpet, our court ſeems to think it moſt prudent

to make it ſword-in-hand. For Capt. Kingſbergen, a marine Dutch officer, who commanded our fleet in the White ſea laſt year with great ſucceſs, is already ſet out for Balaclava, in the Crimea, in order to put the fleet in order to attack Oczakow by ſea, whilſt the army under Prince Dolgorouki, which has been furniſhed with a large train of artillery, is to beſiege it by land. The ſiege is intended to begin in the month of May.—Oczakow is ſituate on the right ſide of the Nieper, or Boryſthenes, near where this river empties itſelf into the White ſea, and is a place of vaſt ſtrength and importance. The caſtle ſtands on a rock which entirely commands the city. It was taken by aſſault in the year 1737, by one of our armies, under the command of Count Munich, when the garriſon conſiſted of 22,000 men, who were made priſoners of war, together with an immenſe booty. The fortifications were afterwards razed, and the place diſmantled; but was redelivered to the Turks in 1739, who have ſince reſtored it to its former ſtrength, as it is a place of much conſequence to them. Orders are likewiſe given for reinforcing our army under Gen. Romanzow."

"*Venice, March* 14. An action has juſt happened between two ſmall ſquadrons of the Ruſſian and Turkiſh fleets, in which the former were overcome. Advice was received by Adm. Spiritow, at the rendezvous at Paros, that the Captain Baſſa had diſpatched a ſquadron of three large ſhips, a frigate, and four gallies, to ſurpriſe the garriſons at Sciros, and retake that iſland. On the receipt of this intelligence, the Admiral diſpatched four frigates, and a ſhip of 50 guns, to oppoſe their deſign. This ſmall ſquadron came up with the Turks within half a league of the iſland, and an engagement began, in which one of the Ruſſian frigates was burnt, one taken, and the 50 gun ſhip ran aſhore: the other frigate eſcaped with much difficulty."

"*Larneca, in the iſle of Cyprus, March* 15. The Chev. Riſo, commandant of a Ruſſo-Greek chebeck, having met with the chebeck of Reis Marabout Oglou, from Alexandria, an engagement ſoon began, which was carried on with great obſtinacy on both ſides; but the latter veſſel being entirely diſmaſted, the commander choſe rather to blow up his ſhip than ſurrender. This was accordingly done, and Marabout Oglou, with ſix of his people, is ſince arrived in their chaloupe at Rhodes. The Ruſſian chebeck was alſo very roughly treated, and has ſailed to Paros to repair."

POLAND.

This unhappy kingdom, after the ſacrifices already made to the courts of Peterſburg, Vienna, and Berlin, had reaſon to expect the unmoleſted enjoyment of the remainder of their territories. But the large tracts that have been ceded to thoſe powers ſeem to have ſtimulated rather than abated their rapacity. Conſcious of their ſtrength, regardleſs of the treaties made laſt year, and encouraged perhaps by the ſupine indifference of other European powers, their views are extended, and new poſſeſſions aimed at. It is perhaps not difficult to foreſee how matters will terminate. Claims vague and antiquated will be muſtered up, and arguments ſpecious and unmeaning will be deviſed; but numerous armies will ſoon convince the incredulous Poles of the juſtice of thoſe claims, and the ſolidity of theſe arguments. Thus will this ancient kingdom, without the interpoſition of ſome favourable event, probably be wreſted ſtep by ſtep from its legal owners into the hands of thoſe infatiable invaders.

"*Warſaw, March* 16. We ſeem threatened with freſh misfortunes; for accounts are this day arrived here, that the Pruſſians, not content with the territory which they have already diſmembered from this kingdom, are going to enlarge their pretenſions. They have erected their Eagles farther in the country, and by the line they have drawn, the Waiwodes of Kalich, Poſnania, and Greſen, with part of Cujavia, will again be diſmembered. The delegation immediately ſent a deputation to the Ruſſian miniſter, to be informed by him of the reaſon of theſe proceedings; but he told them he had not yet received any accounts of it."

"*Warſaw, March* 26. The Pruſſian troops in our territories increaſe every day. The inhabitants of Great Poland have juſt formed a new confederacy, to render themſelves under the Pruſſian protection, in order to get rid of all the troubles under which they have hitherto laboured. The Ruſſian General Romanius has ſent orders to the magiſtrate of Cracow, to provide for a Ruſſian garriſon of 10,000 men for ſix months upon their own

own expences. A new Auſtrian army of 20,000 men is ordered to enter this republic: in ſhort nothing but danger threatens us.

The affairs of the Diſſidents have been decided by the delegates, that they ſhall have all the rights and privileges equal with the Romiſh church, only that no Diſſident ſhall be qualified to be a member in the legiſlative body, or to ſit upon a bench of juſtice. But the Diſſidents are not ſatisfied with this ſentence, and have appealed their cauſe before the full aſſembly of the diet."

"*Warſaw, March* 30. The delegates have remitted their ſittings, and will not reaſſume them till it is made known what the farther intentions of the three powers are, in putting the cities under military execution, and extending their claims farther than the partition-treaty allows. Theſe new proceedings of the three powers have thrown the affairs of this nation into a more diſtreſſed ſituation than ever; all is confuſion, and the ſettlement of the commerce, finances, revenue, &c. are ſo conſiderably retarded, that their final determination is as far off as ever."

"*Warſaw, March* 26. It has been reſolved in a meeting of the diet to ſend a deputation from the republic to the three allied courts, regarding the new poſſeſſion taken by the Pruſſian troops. In conſequence of which, Count Branicki is to go to Peterſburg, Mr Oginſki is to return to Vienna, and Mr Kwilecki is to go again to Berlin. The affairs of the Diſſidents are now advancing: they have already obtained leave to form themſelves into a body to defend their rights and privileges; but they have no legiſlative voice. The mixed college is ſuppreſſed."

"*Warſaw, March* 24. We ſtill live between hope and fear with reſpect to the new violations offered us by the foreign troops. The Pruſſians have ſtuck up their King's arms in the ſuburb of Poſen; and the inhabitants of Samogitia have revolted againſt their Lords, threatening to put themſelves under the protection of Pruſſia. The inhabitants of Thorn and its environs have done the ſame. We do not know the meaning of all theſe ſtrange affairs, and how they may end, till we receive intelligence from our deputies, whom we have diſpatched to the courts of Vienna, Berlin, and Peterſburg. In the mean time all buſineſs at the delegation is at a ſtand till proper anſwers be received from theſe courts."

"*Warſaw, April* 12. The Auſtrian troops have taken entire poſſeſſion of the whole palatinates of Chelm and Lemberg, have put garriſons into the cities of thoſe names, and fortified or otherwiſe ſecured all the places of any conſequence. This meaſure, ſo obſtinately purſued by the Emperor, is likely to create a diſſention between the courts of Vienna and Peterſburg, as thoſe palatinates are part of Red Ruſſia, and by the particular treaty all that province was given to the Empreſs of Ruſſia. Her Imperial Majeſty has ordered her miniſter at the court of Vienna (Baron Stackelberg) to repreſent this infraction, and requeſt that the troops may be drawn off. The Ruſſian miniſter here is likewiſe ordered to acquaint the delegation with the above proceeding."

"*Warſaw, April* 16. It is but too true, that the Pruſſians have made freſh incroachments into this kingdom. They have planted their eagles as far as Kleczow, and removed thoſe of Poland. The delegates have made repreſentations upon this ſubject to the miniſters of the three dividing powers, and declared that they will ſit no longer, looking upon this ſtep of the Pruſſians as a breach of the treaties lately concluded. It is to be obſerved, that the Pruſſians have taken poſſeſſion of twenty-four miles in length, and eight miles in breadth, of a very fertile part of the country, and it is feared they will cut down the large foreſt of Einſiedler Wald. A Pruſſian Commiſſary in Cujavia, has likewiſe diſperſed a reſcript, by which the inhabitants of the diſtricts of Kaliſch and Inowroclaw are forbid to obey any order of the King, or to pay any money into the treaſury; but to keep their money till they are called upon for it, promiſing them an indemnification and protection for ſo doing. On the other hand, the Duke of Courland ſeems diſpoſed to take advantage of the preſent confuſion of this unhappy kingdom. This prince demands, that the conſtitution by which perſons were allowed to appeal from his tribunal to that of the King of Poland, may be aboliſhed. All theſe different misfortunes ſerve only to irritate and diſcourage people. Moſt of the grandees are endeavouring to ſhelter themſelves from the misfortunes that threaten the ſtate. The Grand Chancellor of Lithuania propoſes to reſign the ſeals, and retire to Vienna, with the Prince Palatine of Ruſſia; the Grand Marſhal of

the Crown ſeems diſpoſed to follow their example and reſign his poſt; Prince Poniatowſki, Grand Chamberlain of the Crown, propoſes to ſell his fine garden at Schultz, which coſt him upwards of 100,000 crowns. Nevertheleſs, we ſee with aſtoniſhment, that troops are inliſting for the King, who has declared, that he will go to camp as ſoon as he has got together 30,000 men. The commiſſion of the crown has likewiſe recalled from Kaminiec the regiments that were in garriſon there, and only left 500 invalids. We dare not penetrate into futurity; perhaps we are at the eve of a revolution that may prove favourable to Poland. Time alone will diſcover what is to happen. What gives riſe to theſe conjectures is, that the Pruſſians are buying up, all over Poland, an amazing quantity of corn, which they do not put into magazines, but ſend by water into their own country: beſides, the Ruſſians at Poſnania and Kalliſch are very much upon their guard, as if they apprehended ſome ſurpiſe."

"*Warſaw, April* 17. The ſituation we are in at preſent is truly alarming. The Pruſſian troops have already actually taken poſſeſſion of a diſtrict of Great Poland, conſiſting of about 150 Engliſh miles long, and 40 broad: they are at preſent as far as Kleczow, and ſeem to march farther ſtill: they pulled down the Poliſh arms, and put the Pruſſian Eagle upon all the ſtadthouſes and public offices; and circulating letters have been iſſued from the Pruſſian office at Cujavia, dated the 4th inſtant, to the Wonwarde-wood Kalliſch Inowrokiaw, and in the whole diſtrict, which juſt now was taken by the Pruſſians, that the inhabitants ſhall in future not accept of any order from the Poliſh government, nor ſhall they pay taxes, duties, &c. to the crown of Poland, but to the Pruſſian office, which ſhall be appointed for that purpoſe. Since theſe diſagreeable news was heard here, the delegates broke up, and declared the treaty between the Poliſh republic and the three united powers null and void, as the conduct of the King of Pruſſia, with regard to Great Poland, can be viewed in no other light than as a plain and open incroachment upon that treaty, to which Auſtria and Ruſſia, as guarantees, remain indifferent, and conſequently the whole treaty ceaſes. In the mean time troops of all the three powers approach to this place, in order to ſurround it towards the opening of the diet, which is to be on the 6th of May; and Heaven knows how we ſhall be violated then."

The King of Pruſſia continues to proſecute his claims on Dantzick. [155.]

"*Dantzick, April* 2. The inſolent exertion of power which the Pruſſians now exercite over the inhabitants of this city is almoſt inconceivable. No perſon's property is now ſafe. All the ſoldiers who have lately arrived, added to thoſe before here, are more than 11,000 men; they are all quartered, with a great number of horſes, upon the inhabitants of the city and vicinity; and if the people make any oppoſition to ſuch arbitrary proceedings, force and the greateſt cruelty are uſed. Three of the magiſtrates, and ſome of the principal burghers, who have refuſed to take the oath of allegiance to his Pruſſian Majeſty, are confined, and their effects ſeized."

"*Dantzick, April* 7. The perſons who took refuge in this city from the dominions of New Pruſſia, are many of them of family and fortune, and related or known to the magiſtrates and capital people here, which was the reaſon of their being refuſed to the demand of his Pruſſian Majeſty, who would force them to ſerve in his army much to their prejudice, and highly againſt their inclination. This refuſal of the magiſtracy to deliver them up, has furniſhed the Pruſſian monarch with an opportunity of treating this city and its inhabitants in the moſt arbitrary and unexampled manner: near 200 of the moſt opulent citizens are ſecured by the Pruſſians, and their eſtates in danger, till the young men claimed are delivered up."

"*From Pruſſia, April* 11. We learn from Dantzick, that on the 8th inſt. the inhabitants were under the greateſt apprehenſions, on ſeeing at day-break twelve covered waggons, belonging to the King of Pruſſia, who demanded entrance, but were refuſed, and the gates were kept ſhut the whole day. The letters add, that not a night paſſed but the Pruſſian inliſters carry off numbers of young fellows from the ſuburb between the higher port and that of Peterſhagen."

RUSSIA.

The rebellious Coſſacks [155.] have met with ſeveral conſiderable defeats from the army under the command of Gen. Bibikow.

"*Peterſburg,*

"*Peterſburg, March* 11. By the laſt accounts received from Gen. Bibikow, we have great reaſon to believe that he will ſoon be able to diſperſe the rebels." *Lond. gaz.*

"*Warſaw, March* 19. By a courier who has this morning arrived here with diſpatches to the Ruſſian miniſter, we learn, that the main body of the rebels under Pugatſcheffe received a conſiderable defeat on the 3d inſtant at Samara by Gen. Bibikow. The General had inveſted the city of Samara, which was garriſoned by a large party of the rebels, and was on the point of being carried by him, when Pugatſcheffe with a body of men came from Caſan to its relief. The Ruſſians were advantageouſly poſted, and had a fine train of artillery, which did much execution. Pugatſcheffe was routed, and obliged to return to Caſan with the loſs of near 5000 men killed and taken priſoners."

"*Moſcow, March* 19. A detachment under a Captain from Gen. Bibikow's army has juſt arrived here to convoy ſome pieces of artillery, and ſupplies of ammunition, which are to be ſent off from here to reinforce the General's army. The Captain brings advice, that Gen. Bibikow has now full poſſeſſion of the city of Caſan, and is making preparations to attack the city of Oremburg, where Pugatſcheffe and the main body of his army now lie. The rebels are in poſſeſſion of the woods, and of all the ſtrong places in the country, from whence they iſſue, cut off the reinforcements and ſupplies, and greatly harraſs the troops of the Imperial army."

"*Peterſburg, April* 5. Yeſterday we received the agreeable news, that the troops under Gen. Bibikow had attacked the principal corps of the rebels, commanded by Pugatſcheffe in perſon, at Soroczinſka, about 150 werſts from Oremburg, and entirely routed them. Amongſt the priſoners taken was the perſon in whom Pugatſcheffe places his chief confidence." *Lond. gaz.*

"*Hague, April* 26. Prince Gallitzin, envoy-extraordinary from Ruſſia, has juſt received a letter from Peterſburg, with an account, that advice had been received from Caſan, that Gen. Bibikow having marched ſeveral detachments of his troops againſt the rebels, they had engaged them with ſo much ſucceſs on different occaſions, that they had taken 1436 priſoners, and thirty-three pieces of cannon; that the General had likewiſe found means to get diſperſed among the rebels the Empreſs of Ruſſia's manifeſto, in which ſhe promiſes pardon to all who ſhould ſurrender themſelves; which had induced many of them to make a proper ſubmiſſion; ſo that there was reaſon to hope that perfect tranquillity would ſoon be reſtored in the government of Oremburg."

"*Peterſburg, April* 5. Letters from Caſan, of the 8th of March, mention, that Major de Gragrin has attacked the rebels of Oremburg, and taken thirteen pieces of cannon, and made 1294 of them priſoners."

"*Peterſburg, April* 21. Lieut.-Col. Wier is juſt arrived here from the army of Gen. Bibikow, with advice, that the main body of Pugatſcheffe's army had been defeated, and he obliged to ſhut himſelf up in Oremburg for ſecurity. The General, after having quieted all the diſturbances about Caſan, marched againſt the rebel chief, who was incamped in an advantageous ſituation within twenty leagues of Oremburg, where the General attacked him, and obtained a complete victory, killing upwards of 4000 men, and 3000 were taken priſoners, together with ſeveral pieces of cannon, ammunition, baggage, &c. Among the priſoners are ſome perſons of diſtinction."

United Provinces.

"*Amſterdam, April* 8. We are credibly aſſured, that the managers of the affairs of our Eaſt-India company in Aſia, have entered a formal proteſt on the part of our company, upon the new conqueſt of the kingdom of Tanjour [158.] by the Engliſh Eaſt-India company, which proteſt is come over to our States-General."

France.

"*Paris, April* 1. Mariamne Olivonne was ſeized with a lethargic ſleep, to which ſhe is annually ſubject, March 1. and continued in that ſtate till the 19th, when ſhe recovered."

Portugal.

"*Copenhagen, March* 22. Mr Berg, commander of the Tanquebar, a ſhip in the ſervice of our Aſiatic company, has wrote word, that he arrived at Port Pray, one of the Cape de Verd iſlands, the 17th of laſt January; and that as there has been no rain on theſe iſlands for a year paſt, a vaſt number of people and cattle have

have died, and among the reſt 6000 oxen and 5000 perſons on the iſland of St Antony, 600 on that of St Nicholas, and in proportion on the others."

BARBARY.

"*Tunis, Jan.* 28. The drought that has prevailed in this kingdom for ten months paſt, has greatly alarmed the inhabitants of this city. All the ſprings are dry, and the government is taking every means to ſtop the complaints of the inhabitants, at a ſeaſon which it is not uſual for them to ſuffer from ſuch a calamity. The diſtant countries ſuffer much leſs, though the inhabitants can neither plough nor ſow the land. The exportation of corn is therefore forbid under ſevere penalties."

BRITISH NORTH AMERICA.

Some parties of Indians, generally ſuppoſed to be Creeks, have for ſome time paſt moleſted the back ſettlements of ſome of the provinces, and murdered many of the planters. Meaſures to prevent theſe outrages are taken.

"*Charleſtown, South Carolina, Feb.* 4. The aſſembly of Georgia hath paſſed an unlimited vote of credit, to enable Sir James Wright to take ſuch meaſures as the preſent exigency may require; and his Excellency has augmented the rangers in the pay of that province, and ordered every third man in the militia to be draughted, in order to form ſeparate bodies, to be properly ſtationed for the protection of the inhabitants."

"*Charleſtown, March* 4. On Tueſday laſt William Bull, Eſq; Lieutenant-Governor of this province, made a ſpeech to the general aſſembly, of which the following are the principal paſſages.

"The ſeveral murders which have been committed by a party of the Creek Indians in Georgia, on the 24th of December, 14th and 23d of January laſt, gave room to apprehend that a general war with that nation was almoſt inevitable. The firſt accounts thereof naturally ſpread alarms in this province: I immediately gave orders to reinforce the garriſon of Fort Charlotte; I encouraged the building of ſtockade forts along our ſouthern and weſtern frontiers, to afford a ſafe retreat to the women and children; and ſent ammunition to Ninety-ſix, and ordered it to be diſtributed from thence and Fort Charlotte to the pooreſt of the militia, that they ſhould be under no neceſſity of abandoning their ſettlements for want of it. The militia are doing ſcouting-duty, by diviſions, on the banks of Savannah river, that the reſt of the inhabitants may attend their affairs in ſome ſecurity.

Sir James Wright, Governor of Georgia, and Mr Stuart, his Majeſty's ſuperintendent for Indian affairs, inform me, that the Creek nation in general diſavow theſe outrages, and blame the raſhneſs of the few Indians who perpetrated them, and hope that no more miſchief will be done. But as, according to the treaties ſubſiſting between the Engliſh and Indians, each nation are to puniſh ſuch of their people as ſhall commit any murder or crimes againſt the other, it is juſt that ſatisfaction ſhould be made by the Indians; it is neceſſary, that they may be deterred from a repetition of ſuch in future. With this view, Sir James Wright has applied to me for aſſiſtance, to enable him to take ſatisfaction, in caſe it ſhall be refuſed, as that province alone is ſcarce equal to the undertaking. It is his Majeſty's pleaſure, and our duty, that ſuch aid ſhould be given in ſuch caſe, as the condition and ſafety of this province can ſpare. I therefore recommend this matter to your ſerious conſideration, as, with an aſſurance of our aſſiſtance, Sir James Wright will be able to ſpeak with an higher tone in the conference ſoon to be held with the headmen of the Creek Indians upon theſe matters, and they may be more diſpoſed to give ſatisfaction, if they ſee that the infraction of treaties or injuries done to one province will be reſented by the neighbouring province. I ſhall not mention at preſent other matters relating to the welfare of the province, but propoſe them hereafter, as occaſion may offer.

As by the ſcouting-parties on the frontiers, ſome tranquillity is enjoyed by the other inhabitants, it is reaſonable the burthen of that ſervice ſhould be borne by the province in general; I therefore recommend, that proviſion be made for two or three ſmall companies of rangers, to be employed therein until this difference with the Indians is ſettled. I muſt deſire you to make the proviſion for all theſe meaſures, not only expeditiouſly, but effectually: for although all at preſent is quiet, from hopes entertained by the Indians, that, on their promiſing no further miſchief ſhall be done, what is paſt will be overlooked; yet hoſtile incurſions

curſions of the enemy may be expected, when they find a ſatisfaction, which will be honourable to the Engliſh name, and ſecure our future tranquillity, will be peremptorily required, and they may not incline to give it"

The Upper Houſe of Aſſembly and the Commons Houſe of Aſſembly, each preſented an addreſs to the Lieutenant-Governor on the above ſpeech, in which they aſſure his honour, that nothing ſhall be wanting on their part to promote his Majeſty's ſervice, or the ſafety and honour of this colony."

Some of the American Governors enjoy the good will of the people.

" *New York, Feb.* 28. Wedneſday laſt the general aſſembly of this province voted his Excellency our Governor the ſum of 5000l. currency, to compenſate in ſome meaſure for the loſs ſuſtained by the late dreadful fire at Fort George [102.], and to expreſs their great eſteem for his Excellency's perſon and family."

" *Boſton, Feb.* 17. The following is Gov. Wentworth's anſwer to a verbal meſſage preſented to him (14th of January) by a committee appointed by the aſſembly of the province of New Hampſhire.

" Mr Speaker, and Gentlemen of the Houſe of Repreſentatives,

Having conſidered your meſſage of this day, informing me, that you and your conſtituents had been greatly alarmed by a report prevailing for ſome time paſt, that complaints had been preferred to his Majeſty, of great injuſtice, male-adminiſtration, and oppreſſion, in my conduct, as Governor of this Province; alſo requeſting to know, if ſuch complaints have been preferred, and the event thereof:

I have in anſwer to acquaint the Houſe, that ſuch complaints were preferred and urged by Peter Livius, Eſq: and that the Rt Hon. the Lords of the Committee of the Privy Council, to whom his Majeſty was pleaſed to refer the final hearing and conſideration of the whole matter, had reported upon it, on the 8th of October laſt, which report his Majeſty was graciouſly pleaſed to approve, and thereupon to order the complaints of the ſaid Peter Livius, Eſq; to be diſmiſſed. J. WENTWORTH."

The anſwer of the Houſe to the above concludes thus. " Your Excellency will, we truſt, give us leave to congratulate you on the agreeable information of your ſucceſs in the affair of the complaint of Peter Livius, Eſq; and of his Majeſty's approbation of your adminiſtration and conduct in the public concerns of this province. Had it been otherwiſe, we, (and as we apprehend), our conſtituents alſo, would have been greatly grieved and diſappointed; but now will heartily acquieſce and felicitate themſelves on this happy event. We hope all other ill-grounded complaints of the like nature will meet with the like cataſtrophe. It remains for us to add our ſincere deſires and prayers for your auſpicious and ſucceſsful adminiſtration, in which both your Excellency, and the people under your charge, may long enjoy mutual ſatisfaction."

The New-York aſſembly is taking effectual meaſures to ſuppreſs ſome riots in that province.

" *New York, Feb.* 10. The general aſſembly of this province is now ſitting, on a petition of ſundry inhabitants of the county of Charlotte, and the northern diſtrict of the county of Albany, complaining of many acts of outrage, cruelty, and oppreſſion, committed againſt their perſons and property, by the Bennington mob; and the dangers and injuries to which they are daily expoſed; and imploring of the Houſe protection and ſecurity from future violence. After conſidering the ſeveral proofs and depoſitions in ſupport of the facts ſet forth in the ſaid petition, the aſſembly came to ſeveral reſolutions, viz. That the grievances complained of are real, and require immediate redreſs; that the rioters (calling themſelves the *Bennington mob*) have ſeized, inſulted, and terrified, ſeveral of the magiſtrates, and other civil officers, ſo that they dare not execute their reſpective functions; reſcued priſoners for debt; aſſumed to themſelves military commands, and judicial powers; burned and demoliſhed houſes and property, and abuſed the perſons of many of his Majeſty's ſubjects, expelled them from their poſſeſſions, put a period to the adminiſtration of juſtice, and ſpread terror and deſtruction through that part of the country which is expoſed to their oppreſſion: That Allen, Warner, Baker, Cockran, Sunderland, Brown, Brakenridge, and Smith, appear to be ringleaders and actors in the riots and diſturbances aforeſaid, and that an addreſs be preſented to his Excellency the Governor, deſiring that he will be pleaſed to iſſue a proclamation, offering a reward to apprehend the perſons above named;

med; and that a bill be brought in, more effectually to ſuppreſs the ſaid riots and diſorderly proceedings, maintain the free courſe of juſtice, and for bringing the offenders to puniſhment."

The province of North Carolina would ſeem to be in a ſtate of anarchy. [xxxv. 327.]

"*Newbern, Dec.* 21. 1773. Our general aſſembly was convened the 1ſt inſtant, and this day prorogued to the 1ſt of March next, without doing any buſineſs, except receiving of meſſages, ſending of anſwers, making reſolves, &c.

Our court-laws, which were for a limited time, expired laſt winter; and our Governor had his inſtructions from the Secretary of State to reſtrict the mode of proceedings in our attachment-law; particularly, that the effects of perſons reſiding in Britain ſhould not (under any right or pretence) be liable to be detained by any one reſiding on this ſide the Atlantic, or conditions in their effect tantamount thereto, with ſome other nice diſtinctions, which ſome ſay would make it almoſt impoſſible for a conſcientious man to obtain an attachment againſt the property of any perſon whatever; on the other hand we muſt confeſs, that when laws are left too open, they are frequently abuſed by deſigning men and diſhoneſt people.

Our delegates ſeem determined to riſk their all rather than have their ancient privileges mutilated, which we have hitherto enjoyed in common with other colonies on this continent. We have already been twelve months without courts: and it is well known, that honour and honeſty have too little influence over the generality of people, ſo as to induce them to pay their juſt debts, without ſome other compulſion. No courts of over and terminer to deter the robber, thief, or aſſaſſin. Confuſion and anarchy muſt mark our annals, until the miniſtry will retract their inſtructions: for no man here will have any other palladium to his life, right, and property, than the ſtrength of his own arm. No taxes to be collected for the ſupport of government. No ſalaries to be raiſed for the Chief Juſtice and his aſſociates. No employment or fees for the clerks. *No writs or money for lawyers.* No ſtipends for our parſons;—*A rare opening for Diſſenters.* No authority to take cogniſance and care of orphans eſtates. No ſtraggling youths to be bound apprentices. No proviſion for the indigent and aged poor! No bridges to be built or repaired; nor roads to be worked upon for the accommodation of travellers.—Theſe are ſome of the various evils that already attend our unhappy ſituation; and will, I am aſſured, like the waters of the Nile, or a mighty torrent, until we are relieved, ſpread more and more over the face of this country."

BRITISH WEST INDIES.

It was agreed to by the Houſe of Aſſembly of the iſland of Jamaica, on a report from a committee of the whole houſe on the ſtate of the iſland, Dec. 10. 1773, that the thanks of the houſe ſhould be given to John Nixon, Eſq; a member of this Houſe, for his having, with great aſſiduity, expence, and riſk, brought to perfection the method of cultivating ſugar-canes, by watering lands from rivers and ſprings, whereby many large and extenſive tracts (hitherto uſeleſs through want of rain) may become of great value to the proprietors, and of general advantage to the iſland, by increaſing the produce of ſugar, and conſequently the revenue of our parent-ſtate. On the 17th a ſimilar reſolution was agreed to by the Board of Council. Theſe reſolutions were accordingly communicated to Mr Nixon, to which he returned very polite anſwers.

The Engliſh having a claim to ſome duties on ſugars at the iſland of Tortola, (ſometimes called *Crab iſland*), a ſmall iſland near Porto Rico, Sir Ralph Payne, the Engliſh chief governor in that port, about the end of February or beginning of March, ſent a ſhip of Adm. Parry's ſquadron to the iſland upon this buſineſs. The Spaniſh governor of Porto Rico being informed of the arrival of the Engliſh ſhip, ſent to the captain to know if he wanted water, &c. or for what purpoſe he came there. The Captain informed him of the object of this viſit; upon which the Spaniſh Governor inſiſted the iſland belonged to the crown of Spain. This information throwing another light (or being perhaps a new claim) upon the matter, Sir Ralph Payne and Adm. Parry thought it moſt adviſable to poſtpone any further altercation till they received particular inſtructions from hence; and accordingly ſent home Mr Forteſcue (brother-in-law to Lord Ancram) with an account of the whole affair. In the mean time, the Spaniſh governor of Porto Rico has ſent another account to Madrid. Such is the ſtate of this buſineſs.

ENGLAND.

According to a letter from the Hague, of Jan. 21. one of the two commiſſaries who came thence to London laſt year [xxxv. 551.], to ſettle the differences between the Engliſh and Dutch African companies, reſpecting their trade on the coaſt of Guinea, was returned home, their negotiations having proved fruitleſs: but it was ſaid the negotiation would be renewed under the direction of Sir Joſeph Yorke.

Lord North informed the Houſe of Commons, April 21. that the Fortune, Capt. Goreham, loaded with tea, having arrived in Boſton harbour in the end of February, or beginning of March, the inhabitants came immediately and unloaded her, emptying the cargo into the ſea

The Eaſt-India judges [167.] imbarked at Portſmouth, April 2. on board the India ſhips for India.

"*Calcutta, Oct.* 12. 1773. The Lord Mansfield was loſt the 7th of September, coming out of Bengal river. Luckily no lives were loſt; and we had juſt time to ſave ſome few things, and get into the pilot's ſchooner, before ſhe ſunk, where 200 of us were crouded together for ſome days. Moſt of the crew are to come home in the Houghton, Capt. Smith, which is to ſail the end of December."

"*York, April* 19. At a general meeting of the merchants and principal manufacturers, held at Mancheſter, to conſider of proper meaſures for the ſecurity and encouragement of the trade of that town and neighbourhood, a committee was appointed for thoſe important purpoſes. The uſefulneſs and neceſſity of this aſſociation has inſtantly appeared in the detection of ſome perſons who were attempting to carry out of the kingdom moſt of the implements uſed in the cotton and linen manufactures, and engaging workmen in the different branches to accompany them; and the public are ſo fully ſatisfied of the great utility of this patriotic undertaking, that near 2000 l. have been already ſubſcribed for the ſupport of the chamber of commerce in Mancheſter."

By the ſtate of the London hoſpitals, read before the Governors, April 4. according to annual cuſtom, it appeared, that, from St Bartholomew's, 4361 patients have been diſcharged cured, during the courſe of the year paſt, beſides 3833 out-patients relieved with advice, and that 332 have died; that, from St Thomas's, 7331 have been diſcharged cured, and only 195 died; that, from Bethlem, of 212 admitted, 185 have been diſcharged cured; that, from Chriſt's, 139 children have been put out apprentices, 12 of whom were inſtructed in the mathematics, and, what is remarkable, out of near 1100 children in this hoſpital, only ſeven died during the courſe of laſt year.

A chapel was opened for divine worſhip, on Sunday, April 17. at Eſſex-houſe, Eſſex-ſtreet, in the Strand, London, on the plan of a reformed book of common prayer, by the Rev. Mr Lindſey, late vicar of Catterick in Yorkſhire, which benefice he reſigned from a ſcruple of conſcience [53. 86.]. His new liturgy is nearly on the model recommended by the late Dr Samuel Clarke. The congregation was numerous, the ſervice was performed with ſolemnity and decorum, and the auditors ſeemed pleaſed with the moderation and Chriſtian benevolence of the preacher. The ſermon is publiſhed. [204.]

The will of the late Sir William Browne, M. D. is remarkably ſingular, there being a great deal of Greek and Latin interſperſed in it. By a clauſe in it, if his grandſon, Martin Folkes, Eſq; ſhould die without iſſue, upwards of 1000 l. per ann. will devolve to the univerſity of Cambridge. He has left annuities to all his ſervants, and among his legacies, 2 s. a-week to a favourite Italian greyhound.

Five ſtrawberries were ſold, in Covent-garden market, London, April 9. for 6 s. The buyer eat them as he took them out of the baſket. At the ſame time many half-guineas were paid for noſegays.

The ſpirit of emigration is not confined to Scotland and Ireland: the Engliſh ſeem to have caught the infection. [161.]

"*York, April* 12. Laſt week the Prince George, and William and Mary, ſailed from Scarborough, with 270 emigrants, for Halifax and Fort Cumberland, in Nova Scotia. One of the paſſengers from this neighbourhood, with thirteen in family, conſtituted part of the number; and it is reported he was poſſeſſed of 3000 l. 800 of which he lodged in one of our banks, and took the reſt with him."

"*Hereford, April* 21. On the 8th inſt. ſailed from Haverfordweſt quay, the ſnow Sally, Capt. Jones, with paſſengers

for Philadelphia, moſt of them handicraftſmen and labourers, with ſeveral women and children. Theſe people neither wanted employment at home, nor laboured under any kind of oppreſſion; and their chief motive for quitting their native country ſeemed to be that of curioſity only."

An ox, which has been five years in feeding by Peter Leigh, Eſq; of Haddock lodge in Lancaſhire, near ſeven yards in length and ſix yards and a half in breadth, weighing near two tons, and valued at 100 guineas, was killed at Warrington in the end of April.

"*Peterſfield, March* 31. Among the many ſurpriſing events occaſioned by the great rains this winter, I cannot omit to mention one in particular, of a very extraordinary nature, that happened in the parish of Hawkſey; where a ſteep hanging wood, growing on the ſide of a hill, ſlipped down 180 yards, and left a perpendicular rock, like one ſtanding up in the ſea, ſixty feet high. The ground in ten or twelve fields below the hill was tank, and cracked in ſeveral places; and a farm houſe and cottage ſtanding near it had the walls rent aſunder; which ſo alarmed the poor inhabitants, that they ran out in the middle of the night in the utmoſt conſternation, for fear of being buried alive." [162.]

On Sunday, April 10. a flaſh of lightning ſtruck a houſe in Longhaugh Shield, near Newcaſtle; and a man with his wife, ſitting by the fire-ſide, were both inſtantly killed. Another perſon, ſitting between them, was not hurt. The houſe, by the lightning, was almoſt immediately in flames; a child in bed was burnt to death, and another much ſcorched. The ground round the houſe was furrowed up, and a large rock near it ſhattered to pieces. The houſe was reduced to aſhes.

A dreadful fire broke out, April 5. at Colleene, a village on the top of a hill near Leith. It was occaſioned by a ſpike of fire being blown from a brew-houſe-chimney to the roof of a neighbouring houſe, where (the thatch being very dry) it inſtantly took fire, and the wind blowing ſtrong, fifty-four dwelling-houſes, eleven barns, thickly full of corn, twenty-four ſtables, one malt houſe, two large wheat-ricks, and one large hay-rick, were all in flames together, and, in a few hours, totally conſumed. The diſtreſs of the poor inhabitants is inexpreſſible.

Another dreadful fire broke out, the ſame day in the afternoon, at the houſe of Mr Drakewood, in the Abbey-Foregate, in Shrewſbury, which communicated itſelf to the buildings adjoining. By four o'clock, it is ſuppoſed, near twenty houſes were deſtroyed. Moſt of the above houſes, being thatched, were in flames at the ſame time, owing to the violence of the wind, notwithſtanding they were ſituated in different parts of the ſtreet. In the courſe of the next two hours near thirty more houſes fell victims to the flames. By ſeven o'clock the flames were much abated. Fifty houſes were deſtroyed, excluſive of barns, ſtables, ricks of hay, trees, &c. This deſtruction was occaſioned by a chimney accidentally being ſet on fire. Providentially no lives were loſt.

And about the ſame time a third fire happened, at Eaſtree, in the pariſh of Whittleſea in the Iſle of Ely, occaſioned by a perſon brewing a buſhel of malt. Some ſparks of fire iſſuing from the chimney, ſet fire to the houſe, and burnt down ſeventeen houſes, beſides five barns, outhouſes, &c. it alſo conſumed five horſes. As it happened upon perſons of ſmall property, who in this dreadful conflagration loſt their all, it is the more deplorable.

Trial was made on Turnham-green, April 2. of a new-invented plough, for levelling the ruts in bad roads, which, it is ſaid, will effectually anſwer the purpoſe, after the rate of two miles in an hour.

The Viſcount Townſhend, Maſter-General of the Ordnance, Lt-Gen. Sir Jeffrey Amherſt, Lieutenant-General, and other officers of that board, went to Woolwich, April 20. to ſee a grand proof of new artillery. The braſs guns, conſiſting of twelve and ſix pounders, caſt by Meſſ. John and Peter Verbruggen, made a moſt elegant appearance, not only by the curious workmanſhip, but by their judicious choice and ſcientific mixture of ſeveral kinds of metal. They were very highly poliſhed, both within and without; and not only ſtood the uſual proof, but were afterwards found completely perfect in every reſpect.

Information having been given to Sir John Fielding, that a company of coiners made a buſineſs of coining halfpence in a houſe on Tiſh-ſtreet-hill, that magiſtrate, having obtained a warrant to apprehend them, ſent five of his people, well-

well-armed, to take them by ſurpriſe. There were no leſs than eight of them at work; who, when they found themſelves diſcovered, endeavoured to make reſiſtance, and one of them received a ball in his head before he ſurrendered. The night before, they had ſent a child for ſome beer, with new halfpence to pay for it; and the landlord obſerving to the child that they were warm, ſhe innocently replied, that her daddy had juſt made them. A cart-load of implements were found in the houſe, and carried to Bow-ſtreet.

At a ſeſſions of the high court of admiralty held, April 22. came on the trial of one Johnſon, a ſoldier in the 31ſt regiment, charged on his own confeſſion [xxxv. 552.], for the murder of John Kemp. It appeared on the trial, that the priſoner, with the deceaſed, a comrade, deſerted his company, then in Florida, and afterwards went on board a ſloop, which ſtopping at St Auguſtine, they went on ſhore for water; and on returning on board, a quarrel happened, in which the deceaſed appeared to be the aggreſſor. They agreed to ſit down on the deck, and decide it by fiſts; the deceaſed gave out, and the priſoner telling him he muſt be acknowledged to be the better man, got up; the deceaſed drew his knife, and cut him in the face, and purſued to do him further miſchief; the priſoner, ſnatching up a hanger, turned about in order to defend himſelf; the deceaſed, by his impetuoſity, ran on the point thereof, which entered his right breaſt. It appeared, that afterwards the priſoner, together with Capt. Hudſon, was ſhipwrecked in their paſſage between Cuba and Jamaica, and was, in a great meaſure, the means of ſaving the lives of great part of the crew.—Johnſon was acquitted.

A very remarkable trial came on at the aſſizes for the county of Glouceſter, March 28. in which a gentleman of conſiderable fortune was plaintiff, againſt his own ſon, for cutting to pieces the picture of his mother, and for declaring, that though his mother, whoſe picture he had cut, (being dead), was out of his power, yet there was one, whoſe picture hung by, whom he would butcher. The jury, taking into conſideration the relationſhip of the parties, and preſuming ſome ſymptoms of inſanity in the ſon, gave only 5l. damages.

Another trial came on, at Hickes's hall, April 16. for an aſſault committed, by Nicholas Maillard, a Frenchman, on the perſon of Mr Carter, of Lincoln's Inn. It appeared on the trial, that, on the 24th of January laſt, the priſoner came to Mr Carter's chambers, and aſked charity of him; that Mr Carter gave him a ſhilling, and, thinking he ſhivered with cold, bid him ſit down and warm himſelf; that in about a quarter of an hour he thought the priſoner was going, when he ſuddenly found himſelf aſſaulted by him; that he firſt received a violent blow on the face, that beat out a ſtrong tooth, and brought him to the ground; that then the priſoner fell upon him, and gave him ſeveral blows on the head with a ſtone, one of which cut him dangerouſly, and cauſed a great effuſion of blood; that he left him on the floor in this condition, for what purpoſe Mr Carter could not certainly tell, whether to lock the outer door, or to call in accomplices to rob the chamber, Mr Carter could not ſay which; but, very providentially, he had ſtrength enough to get by a private door to a window, from whence he gave the alarm, and the villain was apprehended. He was ſentenced to ſuffer three years impriſonment in Newgate. It was a queſtion with the lawyers, whether the priſoner could have been tried on the Black act; but, to the honour of Mr Carter, he would not ſuffer the law to be ſtrained to puniſh even ſo barbarous a villain.

On the 2d and 3d of March was heard at the bar of the Houſe of Lords, a cauſe, the Governors of Heriot's hoſpital, Edinburgh, appellants from a judgement of the court of ſeſſion, and Mr Walter Ferguſon writer in that city, reſpondent; of which we give a ſhort account, viz.

In 1734, a piece of ground, called *Broughton Loan-head*, of five acres, was feued out, by the Lord Provoſt, Bailies, Miniſters, and Town-council of Edinburgh, as feoffees in truſt, and governors, of Heriot's hoſpital, to John Cleland gardener; which has ſince been called *Cleland's yards*. Cleland, in 1753, ſubfeued three parcels of this ground to different perſons, who built elegant houſes upon their reſpective parts of it; and in 1761 he ſold the ſubject, with the exception of theſe parcels, to Mr James Walker; from whom Mr Ferguſon purchaſed it. This piece of ground lies contiguous to the eaſt boundary of the newly-extended royalty of Edinburgh.

In winter 1772-3, Mr Ferguſon propoſed to erect a ſquare, to be called *St James's Square*, on this ground; and a plan of the ſquare is publiſhed. Between Mr Ferguſon's property and the bridge, a regiſter-office, or repoſitory for the public records of Scotland, is to be built, and the ground is clearing for that purpoſe; to the eaſt of which a road is carried northward by Mr Ferguſon, to the place intended for the ſquare. A proteſt was taken, Aug. 16. 1773, by the Governors of Heriot's hoſpital, againſt Mr Ferguſon, requiring him to deſiſt from carrying on the road, and from building on the ground. Mr Ferguſon gave an immediate anſwer, aſſerting his right to build, and that he was then ſubfeuing parts of the ground for that purpoſe. A law-ſuit immediately enſued.

Previous to John Cleland's obtaining his feu, a committee of the Governors of the hoſpital, to whom his petition had been remitted, reported, that it was the intereſt of the hoſpital to grant the feu; and thereupon, by an act of the hoſpital, Aug. 29. 1733, the ground was appointed to be meaſured out, and a charter to be extended in favour of Cleland, *containing all clauſes uſual and neceſſary*; and the hoſpital, for their ſecurity, took a bond from Cleland, dated, July 4. 1734, bearing, "Forasmuchas the Governors of Heriot's hoſpital —— appointed an charter —— to be expede in my favours, —— and that for ſecurity to the ſaid hoſpital of the feu-duty and others preſtable by me, I have agreed to grant the bond and obligation after mentioned: therefore wit ye me as principal, and Hugh Macdonald and James Cleland, both writers in Edinburgh, as cautioners for and with me, to be bound and obliged, as we hereby bind and oblige us, —— our heirs, &c. that I the ſaid John Cleland ſhall ware and beſtow upon the lands to be feued out by the Governors of the ſaid hoſpital to me, the ſum of 1000l. Scots money upon the *incloſing* the ſaid ground, *and building ſufficient houſes and others thereupon*, to the extent above mentioned, and that betwixt and the term of Martinmas 1736 years, under the penalty of 200l. money foreſaid by and attour performance. And in caſe I the ſaid John Cleland ſhall fail ſo to do, —— we bind and oblige us, —— to make payment to Mr Thomas Heriot, preſent treaſurer of the ſaid hoſpital, —— for the uſe and behoof of the ſaid hoſpital, of the ſaid ſum of 1000l. money foreſaid; which ſum ſhall lie and remain in the hands of the ſaid treaſurer, and his ſucceſſors in office, for ſecurity to the ſaid hoſpital of the feu-duty and others preſtable by me the ſaid John Cleland, conform to the charter to be granted by the Governors of the ſaid hoſpital to me the ſaid John, and bond to be granted by me relative thereto, and that ay and until the ſaid John Cleland, or his ſucceſſors, do ware and beſtow the ſaid ſum of 1000l. Scots money, upon *incloſing* the ſaid ground, *and building ſufficient houſes and others thereupon*, under the penalty of the like ſum of 200l. Scots money by and attour performance."

In the charter granted by the hoſpital to John Cleland, which is dated Aug. 26. 1734, are two clauſes, which the Governors founded upon, viz. 1. "Providing, That it ſhall not be leifom to the ſaid John Cleland and his foreſaids, to dig for ſtones, coal, ſand, or any other thing, within the ſaid grounds, *nor to uſe the ſamen in any other way than by the ordinary labour of plough and ſpade, without the expreſs conſent and liberty of the governors of the ſaid hoſpital, had and obtained thereto for that effect.*" — 2. "Providing, That it ſhall not be in the power of the ſaid John Cleland, or his foreſaids, *to make any door, or paſſage* of any kind, from the ground above mentioned, hereby diſponed to him, after the ſame is incloſed, to the arable lands of Broughton, either on the north or weſt parts of their ſaid poſſeſſion, *other* than *that entry preſently open*, which leads from ſaid lands to Multrees-hill."

As Mr Ferguſon diſregarded the above-mentioned proteſt, the Governors of the hoſpital preſented a bill of ſuſpenſion to the court of ſeſſion, for a liſt of his operations, till the merits of the queſtion ſhould be diſcuſſed in a proceſs of declarator which they had raiſed. The Lord Auchinleck, Ordinary, found, July 12. 1773, "That the clauſe founded on by the complainers [clauſe 1. above recited] is to be underſtood only to reſtrain the feuer from any abuſe of the ground which might render the ſuperior's ſecurity uncertain; in ſhort, was a ſtipulation that he was to uſe it *ſalva ſubſtantia*; but by no means imports, that the feuer was not to keep his grounds in graſs, if he choſe it, or build houſes upon it, though both

both of theſe fall under the words of the limitation equally; and as the complainers do not pretend the feuer is bound to keep the ground perpetually dug or ploughed, and do not deny there have been ſundry houſes built on it without challenge, refuſes the bill."

The Governors reclaimed; parties were heard on the declarator, and informations given in; and the court, July 30. on report of the Lord Auchinleck, gave judgement, viz. "Find, That the defender Walter Ferguſon is intitled to carry on his buildings on his grounds mentioned in the declarator."

On a ſecond reclaiming petition, and anſwers, the court, Nov. 23. adhered to their former interlocutor, only one voice diſſenting.

The Governors, Nov. 29. reſolved to enter an appeal; from which reſolution the Rev. Dr Macqueen diſſented, and proteſted, that he ſhould not be liable for any damages or expences that might flow from the appeal; to which the Rev. Mr Lundie adhered.

After a hearing in the Houſe of Peers, March 2. and 3. as above mentioned, Lord Stair moved to reverſe the decree of the court of ſeſſion. The Lord Chancellor ſpoke for affirming it; and the Lords Cathcart and Abercorn ſpoke on the ſame ſide. Then the Lord Chancellor put the queſtion; and the decree was affirmed. There were only nine Lords preſent.

SCOTLAND.

The ſpirit of emigration ſtill continues, and ſocieties are forming for that purpoſe.

"*Cardroſs, near Stirling, April* 7. A ſociety, conſiſting moſtly of farmers, is lately eſtabliſhed at a village called *Arnfyre* in this country. They have already ſubſcribed 500l. for the purpoſe of purchaſing land in America, to be divided among the ſubſcribers. They have drawn up and printed a ſyſtem of rules and regulations for their conduct, and are to ſend out two of their number immediately to America, to chuſe a proper ſituation for them."

"*Kippen, April* 8. Upwards of one hundred heads of families are engaged in our emigrating-ſcheme; and if we can find a ſoil and climate agreeing with our conſtitution, (under God), there is no fear of our doing well abroad: for, you know, there is not a tract of better-cultivated land in Scotland, conſidering the ſoil and opportunities we have, than what we propoſe to leave; and, no doubt, it is a grief to our ſpirits to leave it and our native land, and venture upon ſuch a dangerous voyage: but there is no help for it; we are not able to ſtand the high rents, and muſt do ſomething for bread, or ſee our families reduced to beggary."

On the 19th of April a numerous meeting of intended emigrants for America, from Campſey, Kilſyth, &c. aſſembled in the laigh ſeſſion-houſe of Glaſgow: but upon ſome difference concerning the expence of their deputies for purchaſing lands, the meeting broke up, and the parties went home to their reſpective abodes, without coming to any determination.

On the 21ſt, 100 emigrants from Strathſpey, bound for New York, arrived in Glaſgow. They had caſh to pay for their paſſage, except three, who were ſupported by the reſt.

"*Edinburgh, April* 30. On Monday laſt, arrived at Leith, the Bachelor of that place, Capt. Ramage, from Zetland. She ſailed from Thurſo, in Caithneſs, on the 14th September, with 280 emigrants for North Carolina; but meeting with high and contrary winds, was put back to Stromneſs. Some days thereafter ſetting out again, they got as far as the Butt of the Lewis, when the wind turning againſt them, and blowing furiouſly, their long-boat was ſtaved, one of the rudder-bands broken, and their pumps choked: however, after ſome days of great diſtreſs, and imminent danger of being wrecked on the weſt ſide of Zetland, they got into Vaila ſound on the 3d of October. Moſt of the paſſengers being poor people, who had ſold all their effects to pay their freight, and, the ſhipmaſter not being obliged to maintain them on ſhore, were now in danger of ſtarving: but, fortunately for them, the Vice-Admiral-depute was preſent at their arrival, and a witneſs to their diſtreſs. Moved with compaſſion, he wrote to the gentlemen and clergy of the country, repreſenting their pitiful ſituation; and forthwith liberal contributions of money, meal, and potatoes, were ſent from all corners. On the 24th of October, the ſhip being repaired, and ready to ſail, ſhe was driven from her anchors in a high gale, her bottom damaged, and two of her anchors

anchors broken. All poſſibility of her proceeding on the voyage for ſome time being now taken away, the poor people were diſperſed through the different pariſhes of the country: they were kindly received, and liberally maintained for upwards of ſix months by theſe hoſpitable iſlanders. The ſhip was found inſufficient to proceed, and has come to Leith to be repaired; and as her timbers are broken, it will take ſome weeks before ſhe is in a condition to go to ſea again. The poor paſſengers are ſtill in the ſame deſtitute ſituation, about 200 of them, who have nothing to maintain themſelves on, are juſt now reduced to the greateſt extremities, and unleſs ſome ſpeedy relief is afforded them, they muſt certainly periſh. Many of them are able and willing to work, but cannot find employment. The Rev. Meſſ. Scot, Johnſton, and Logan, miniſters of Leith, and Mr William Taylor, merchant, Luckenbooths, Edinburgh, have, with becoming zeal, intereſted themſelves in this really pitcous caſe, and have raiſed, and ſtill are raiſing ſuch charity as any well-diſpoſed perſon may chuſe to give on this occaſion."

P. S. Some of theſe emigrants having taken an uninhabited houſe in the Pleaſance, in the ſuburbs of Edinburgh, diſtributed themſelves into the ſeveral rooms. As the rooms had no grates, they were obliged to light their fires upon the hearths. One of the chimnies in a room in which a huſband, a wife, a ſon, and a maid-ſervant, had taken up their abode, not venting properly, the ſmoke had ſo melancholy an effect upon theſe people, that next morning, May 4. the two women were found dead, and the father and ſon in a ſtate of ſtupefaction. The ſon died that forenoon, and the father ſurvived till next day. The four were interred in two graves in the Chapel-of-Eaſe church-yard, and a prodigious number of ſpectators attended the funeral.

By a majority of voices in the Relief congregation at Glaſgow, it was reſolved, April 29. that the ſociety ſhould apply to the preſbytery of Glaſgow, to be received into communion with the eſtabliſhed church [xxxv. 668.], upon the footing of a chapel of eaſe, and the ſociety to have the liberty to chuſe their own paſtor.—*P. S.* Accordingly the petition having been preſented to the preſbytery, May 4. it was agreed to without a vote.

Marriages.

April 23. At London, the Earl of Aboyne, to Lady Mary Douglas, ſiſter of the Earl of Morton.

23. At Chiſwick, Capt. Hay of the guards, to Lady Frances Hay, daughter of the Marquis of Tweeddale.

Births.

April 1. At Stevenſon, the lady of Sir John Sinclair of Murkle, of a ſon.

3. The lady of Sir Thomas Wallace of Craigie, Bt, of a ſon.

28. At Edinburgh, the lady of General Scott, of a daughter. [xxxv. 335.]

Deaths.

March 8. At Grenada, Hew Dalrymple, Eſq; Attorney-General of that province, the reputed author of the humurous poem Rodondo. [xxv. 499.]

April 1. At London, the Hon. Thomas Hamilton, ſecond ſon of the Earl of Hadington.

2. At Skene, Mr Arthur Mitchell, aged 80, miniſter of that pariſh.

3. At Edinburgh, Colonel Charles Halket-Craigie, Lieutenant-Governor of Namur.

3. At Edinburgh, Miſs Chriſtian Dalrymple, daughter of the deceaſed Sir William Dalrymple of Couſland.

4. At London, Dr Oliver Goldſmith, author of the poems of the Traveller and Deſerted Village, and many ingenious works in proſe.

5. At Addiſton, Sir Alexander Gibſon, Bt, of Pentland. Succeeded in title and eſtate by his nephew, John.

7. At Inverneſs, aged 74, Mr Murdoch Mackenzie, one of the miniſters of that parith.

11. At his houſe in Stirlingſhire, George Cuningham of Bandallach, Eſq;

14 At Roſkeen, Roſsſhire, in the 50th year of his age, and 20th of his miniſtry, Dr John Bethune, miniſter of that parith, F. R. S.

15. At Allanbank, aged thirteen, Miſs Clementina Stuart, fourth daughter of Sir John Stuart of Allanbank, Bt.

17. At London, the Earl of Weſtmoreland His Lordſhip did not leave the Houſe of Peers till five o'clock, was taken ill as ſoon as he reached home, and died about eight that evening. He ſucceeded his father, Nov. 24. 1771, [xxxiii. 615.], was firſt married to Auguſta, daughter and co-heireſs of Lord Montague Bertie, ſecond ſon of Robert Duke of Ancaſter; but ſhe dying, Jan. 4 1765, he was next married, May 18. 1767, to Lady Suſan Gordon, ſiſter to the Duke of Gordon [xxix. 278.]; and is ſucceeded by his ſon, a minor.

27. At Edinburgh, aged eleven, Mr Ar-

thur

thur Burnet, only ſon of Lord Monboddo.

29. At her ſeat at Burgat, Hants, Lady Bulkley, aged 105.

29. At Huntington, near Hadington, Mrs Elifabeth Baird, ſpouſe of George Gray, Eſq; of Huntington.

30. At Vogrie, Mrs Eliſabeth Maeculloch, ſpouſe of James Dewar of Vogrie, Eſq;

PREFERMENTS.

From the London Gazette.

Whitehall, April 2. Thomas Hutchinſon, Eſq; Governor of the Province of Maſſachuſet's bay in North America, having humbly requeſted his Majeſty's leave to come to England [25. 52.], the King has been graciouſly pleaſed to comply therewith, and to appoint Thomas Gage, Eſq; Lieutenant-General of his Majeſty's forces, to be Captain-General and Governor in Chief of the ſaid province, and Vice-Admiral of the ſame, during his Majeſty's pleaſure.

[*London, April* 14. Monday laſt a commiſſion, during pleaſure, paſſed the great ſeal, "Granting unto Thomas Gage, Eſq; Lieutenant-General of his Majeſty's forces, Governor of the Maſſachuſet's-bay, full power and authority, where he ſhall ſee cauſe, or ſhall judge any offender or offenders to be fit objects of his Majeſty's mercy, to pardon and remit all treaſons, petit-treaſons, murders, felonies, crimes, contempts, and miſdemeanors whatſoever, done or committed; and all fines, forfeitures, or penalties whatſoever, incurred or impoſed" *Lond. pap.*]

The King has been pleaſed,

April 8. to confer the honour of Knighthood on John Butland, Eſq; Serjeant at Law; who was at the ſame time appointed one of the Barons of the court of Exchequer.

26. to recommend Dr Charles Moſs, Biſhop of St David's, to be elected Biſhop of Bath and Wells, in the room of Dr Edward Willes, deceaſed.

29. to grant the dignity of a Baronet of G. Britain unto Charles Coote, Earl of Bellamont of the kingdom of Ireland, and to the heirs-male of his body lawfully begotten; and in default of ſuch iſſue, to Charles Coote of Donybrook in the county of Dublin, Eſq; and to the heirs-male of his body lawfully begotten.

War-office, April 6. 1774.

1ſt troop of horſe-guards: Stephen Poyntz, Gent. is appointed to be Sub-Brigadier and Cornet, vice Charles Pigott; by purchaſe.

Ditto: William Lane, Gent. to be Sub-Brigadier and Cornet, vice William Daffy; by purchaſe.

1ſt reg. of dragoons: Corn. James Wilkie, to be Lieutenant, vice William Elmſley; by purchaſe.

Ditto: George Cerjat, Gent. to be Cornet, vice James Wilkie; by purchaſe.

Ditto: Sir John Henry Moore, Bt, to be Cornet, vice Richard Tiddeman; by purchaſe.

3d reg. of dragoons; John Richardſon, Gent. to be Adjutant, vice Robert Wilmot, reſigned.

4th reg. of dragoons: John Dalton, Gent. to be Cornet, vice Henry Ibbetſon; by purchaſe.

2d bat. of royals: Lieut. Alexander Campbell to be Captain, vice James Douglas; by purchaſe.

Ditto: Enſ. Alexander Irvine to be Lieutenant, vice Alexander Campbell; by purchaſe.

Ditto: James Menzies, Gent. to be Enſign, vice Alexander Irvine; by purchaſe.

Ditto: Enſ. Stair Park Dalrymple to be Quarter-maſter, vice Alexander Campbell; by purchaſe.

11th reg. of foot: Hugh Mallett, Gent. to be Enſign, vice William Bury, preferred; by purchaſe.

14th reg. of foot: Lieut. David Cooper to be Captain, vice Stanhope Harvey; by purchaſe.

Ditto: Enſ Peter Burnett to be Lieutenant, vice David Cooper; by purchaſe.

Ditto: Charles Ogle, Gent. to be Enſign, vice Peter Burnett; by purchaſe.

Ditto: Lieut. John Bruere, to be Adjutant, vice David Cooper, reſigned.

15th reg. of foot: Matthias O'Byrn, Gent. to be Enſign, vice John Pidcock, who returns to halfpay

29th reg. of foot: Lieut James Baſſett to be Captain, vice John Corrance; by purchaſe.

Ditto: Enſ. John Beaumont to be Lieutenant, vice James Baſſet; by purchaſe.

Ditto: Gawen Vaughan, Gent. to be Enſign, vice John Beaumont; by purchaſe.

Ditto: Lieut. Paul Minchin to be Captain, vice Thomas Preſton; by purchaſe.

Ditto: Enſ Piers Welſh to be Lieutenant, vice Paul Minchin; by purchaſe.

Ditto: George Barber, Gent. to be Enſign, vice Piers Welſh; by purchaſe.

Ditto: George Turner, Clerk, to be Chaplain, vice John Forbes; deceaſed.

36th reg. of foot: Lieut. David Scott to be Captain, vice William Talbot; by purchaſe.

Ditto: Enſ. Alexander Donaldſon to be Lieutenant, vice David Scott; by purchaſe.

Ditto: William Matthews, Gent. to be Enſign, vice Alexander Donaldſon; by purchaſe.

Ditto: Lieut. William Swinburn to be Captain, vice Henry Caldwell; by purchaſe.

Ditto: Enſ. Joſeph Bennett to be Lieutenant,

tenant, vice William Swinburn; by purchaſe.

Ditto: Colin Campbell, Gent. to be Enſign, vice Joſeph Bennett; by purchaſe.

48th reg. of foot: —— M'Harg, Gent. to be Enſign, vice Thomas Concord Scott, deceaſed.

Ditto: Lieut. James Campbell to be Quartermaſter, vice Thomas Concord Scott, deceaſed.

65th reg. of foot: Capt. Malby Brabazon, from half-pay, to be Captain, vice John Handfield, who exchanges.

War-office, April 27.

1ſt reg. of dragoon-guards: Corn. Stanley Leathes is appointed to be Lieutenant, vice Henry Fox, preferred; by purchaſe.

Ditto: Charles Mackett, Gent. to be Cornet, vice Stanley Leathes; by purchaſe.

1ſt reg. of foot (1ſt bat.): Lieut. Frederick Falkiner to be Captain-Lieutenant, vice Francis Fitzſimons, deceaſed.

Ditto: Enſ. James Colquhoun to be Lieutenant, vice Frederick Falkiner.

Ditto: Juſtly Watſon Green, Gent. to be Enſign, vice James Colquhoun

6th reg. of foot: John Ogle, Clerk, to be Chaplain, vice Thomas Harriſon; by purchaſe.

11th reg. of foot: Auguſtus Parkyns, Gent. to be Enſign, vice Alexander M'Donald.

19th reg. of foot: Enſ. Lewis Nanny to be Lieutenant, vice John Meadows; by purchaſe.

Ditto: Henry Browne, Gent. to be Enſign, vice Lewis Nanny.

23d reg. of foot: Second Lieutenant John Lenthall to be Firſt Lieutenant, vice James Malowaring; by purchaſe.

Ditto: Charles Apthorp, Gent. to be Second Lieutenant, vice John Lenthall; by purchaſe.

31ſt reg. of foot: Lieut. William Sandford to be Captain, vice Thomas Hodgſon; by purchaſe.

Ditto: Enſ. Richard Browne to be Lieutenant, vice William Sandford; by purchaſe.

Ditto: Charles Gray, Gent. to be Enſign, vice Richard Browne: by purchaſe.

32d reg. of foot: Capt. Edward Edwards, to be Captain, vice Alexander Burrowes Irwin; by purchaſe.

Ditto: Lieut. Joſeph Ramage to be Captain-Lieutenant, vice Edward Edwards; by purchaſe.

Ditto: Enſ. Robert March to be Lieutenant, vice Joſeph Ramage; by purchaſe

Ditto: Andrew Robinſon, Gent. to be Enſign, vice Robert March; by purchaſe.

33d reg. of foot: Maj. James Webſter to be Lieutenant-Colonel, vice Hildebrand Oakes; by purchaſe.

Ditto: Capt. Henry Creed to be Major, vice James Webſter; by purchaſe.

Ditto: Lieut. Robert Crane to be Captain, vice Henry Creed; by purchaſe.

Ditto: Enſ. John Hill Harries to be Lieutenant, vice Robert Crane; by purchaſe.

Ditto: Peter Elwin, Gent to be Enſign, vice John Hill Harries; by purchaſe.

Ditto: John Dyke Acland, Gent. to be Enſign, vice Thomas Clarke; by purchaſe.

37th reg. of foot: Lieut. Henry Savage to be Captain, vice Charles Matthews; by purchaſe.

Ditto: Enſ. Edward Browne to be Lieutenant, vice Henry Savage; by purchaſe.

43d reg. of foot: Lieut. Andrew Philip Skene, from half-pay to be Lieutenant, vice Charles Goulton, who exchanges.

50th reg. of foot: Capt. Bowater Vernon, of the 66th reg. to be Captain, vice W. J. Skeffington, who exchanges.

Ditto: Lieut. Samuel Meulch to be Adjutant, vice John Davis, deceaſed.

60th reg. of foot (2d bat.): Second Lieutenant Richard Hanford, from half-pay, to be Enſign, vice Joſeph Hodgkinſon, who exchanges.

65th reg. of foot: Capt W. J. Skeffington, of the 50th regiment, to be Captain, vice Bowater Vernon, who exchanges.

Capt. Malby Brabazon, of the 65th reg. to be Major in the army.

Prices of grain at Haddington, May 6. 1774.

	Beſt.	*Second.*	*Third.*
Wheat,	25 s. 0 d.	24 s. 6 d.	23 s. 2 d.
Bear,	21 s. 6 d.	20 s. 0 d	19 s. 8 d.
Oats,	14 s. 8 d.	13 s. 6 d.	12 s. 0 d.
Peaſe,	13 s. 9 d.	13 s. 2 d	12 s. 6 d.

Edinburgh, May 24. 1774. Oat-meal, 1s. Bear-meal, 7d. 2f. Peaſe-meal, 8 d.

The Edinburgh bill of burials for April 1774.

Within the city	Males 39	85	119. Decr. 5.
	Fem. 46		
In the Weſt-kirk-yard	Males 14	34	
	Fem. 20		

Age.			N°	Diſeaſes.	N°
Under		2	40	Aged	13
Between	2	& 5	18	Bowelhive	4
	5	& 10	3	Draughts	1
	10	& 20	4	Dropſy	1
	20	& 30	8	Childbed	2
	30	& 40	7	Chincough	8
	40	& 50	6	Conſumption	34
	50	& 60	10	Fever	26
	60	& 70	12	Meaſles	4
	70	& 80	6	Small pox	9
	80	& 90	3	Stillborn	5
	90	& 100	2	Suddenly	1
				Teething	10
				Worms	3